

bulletin





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The Department of State BULLETIN, a weekly publication compiled and edited in the Division of Publications, Office of Public Affairs, provides the public and interested agencies of the Government with information on developments in the field of foreign relations and on the work of the Department of State and the Foreign Service. The BULLETIN includes press releases on foreign policy issued by the White House and the Department, and statements and addresses made by the President and by the Secretary of State and other officers of the Department, as well as special articles on various phases of international affairs and the functions of the Department. Information is included concerning treaties and international agreements to which the United States is or may become a party and treaties of general international interest.

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JUL 29 '49

HUMAN RIGHTS: DRAFT COVENANT REVISED AT FIFTH SESSION OF COMMISSION ON HUMAN RIGHTS

by James Simsarian

The United Nations Commission on Human Rights revised the draft International Covenant on Human Rights, which sets forth basic civil and political rights, at its fifth session at Lake Success from May 9 to June 20, 1949. It also considered briefly questions of principle relating to the establishment of international machinery for the implementation of the Covenant. The draft Covenant and proposals for its implementation will now be transmitted to member governments of the United Nations for their comments, the Commission having fixed January 1, 1950, as the final date on which all proposals concerning these drafts should be received by the Secretariat. The Commission will reconvene for its sixth session early in 1950 to revise the documents in the light of comments received from governments, which when completed at the 1950 session will be forwarded to the Economic and Social Council and then to the General Assembly for its consideration in the fall of 1950.

The Commission at its fifth session drastically streamlined the draft Covenant forwarded to it by the Drafting Committee, which had met at Lake Success the previous year. The draft Covenant now proposes safeguards with respect to some 15 basic civil and political rights. The Drafting Committee of the Commission had rejected the inclusion of economic, social, and cultural rights in the Covenant last year, and the Commission this year decided to postpone the further consideration of these additional rights until the 1950 meeting.

The basic civil and political rights provided in the draft Covenant relate to the right to life, pro-

tection against torture, slavery, forced labor, arbitrary arrest or detention, protection against imprisonment for inability to fulfill a contractual obligation, freedom of movement and residence, freedom to leave a country, freedom to return to one's country, right to a fair and public hearing before an independent and impartial tribunal, protection against *ex post facto* laws, right to recognition as a person before the law, freedom of religion, assembly and association, and equal protection of the law.

The Universal Declaration of Human Rights approved by the General Assembly in Paris on December 10, 1948, was not drafted in the form of a treaty and accordingly is not a legally binding document. It enumerates civil, political, economic, social, and cultural rights. In contrast to the Declaration, the Covenant is being drafted in the form of a treaty and, after its approval by the General Assembly, will be submitted to governments for their ratification. The Covenant will be binding only on countries which ratify it through their regular constitutional procedure. In the United States, it would be submitted to the Senate for the approval of two thirds of that body.

ARTICLES OF THE DRAFT COVENANT ON HUMAN RIGHTS

Article 2, paragraph 1

Article 2, paragraph 1, of the Covenant was revised to provide that each state party to the

Covenant "undertakes to ensure to all individuals within its jurisdiction the rights defined in this Covenant." The article further provides that where the rights defined in the Covenant have not already been "provided by legislative or other measures, each state undertakes, in accordance with its constitutional processes and in accordance with the provisions of this Covenant, to adopt within a reasonable time such legislative or other measures (which are necessary) to give effect to the rights defined in this Covenant."

The representative of the United States, Mrs. Franklin D. Roosevelt, indicated that if the Covenant is signed and ratified by the United States the obligations of the Covenant should be carried out through legislative or other measures, existing or to be enacted, giving effect to the provisions of the Covenant, particularly with regard to articles 5 to 22. She pointed out that under this procedure, these articles of the Covenant should not themselves become operative as domestic law.

The United States representative pointed out that the Constitution of the United States provides—

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the land;

Constitutions of other countries have similar provisions; for example, Paraguay, Argentina, and Mexico. In many other countries, however, a treaty does not become the supreme law of the land automatically, that is, it is necessary to adopt legislative or other measures to give effect to the provisions of the treaty. The provisions of the treaty themselves do not become operative as domestic law.

The United States representative accordingly proposed that it should be made clear that the substantive articles of the Covenant would not themselves become effective as domestic law, and that each party to the Covenant should be placed on the same footing to take the necessary steps to carry out the provisions of the Covenant through appropriate legislative or other measures to the extent to which such measures have not already been enacted.

Article 4

Article 4 was approved to provide that "In time of war or other public emergency threaten-

ing the interests of the people, a State may take measures derogating from its obligations under Part II of the Covenant to the extent strictly limited by the exigencies of the situation." The United Kingdom pressed for the inclusion of this provision in the Covenant. Upon the approval of this article, the French representative on the Commission argued that this exception should be applicable only to paragraph 5 of article 9 (relating to habeas corpus), paragraph 1 of article 11 (relating to freedom of movement and residence and freedom to leave one's country), and articles 16 (religion), 18 (assembly) and 19 (association). The application of this exception to article 17 on freedom of speech and the press was not considered since the approval of this article was postponed. The British representative urged the application of this exception to additional articles of the Covenant. The Commission decided to postpone until its next session the decision as to which of the articles of the Covenant the exception provided in article 4 should apply.

Article 5

The Commission considered the possibility of providing in the Covenant that "No one shall be deprived of his life," and then enumerated the various exceptions to this right as proposed by the Drafting Committee last year. It decided, however, that it was doubtful that all possible exceptions to this right could be enumerated in detail. Even if it could do so, the Commission felt that such an article would be far too complex. The United States representative agreed with this view. Considerable sentiment developed in the Commission for the article to provide that "No one shall be deprived of his life arbitrarily." When this sentence was voted in parts, a majority of the members of the Commission voted for the first part of the sentence, "No one shall be deprived of his life," but a majority did not vote for the word "arbitrarily." Accordingly this article now provides "No one shall be deprived of his life," it being generally understood in the Commission, however, that it will have to be considered further at the next session of the Commission. The United States representative supported the addition of the word "arbitrarily."

Some of the rights in the Covenant presumably provide for protection against state action only, as in the case of protection against *ex post facto*

laws in article 14. It was agreed in the Commission that such provisions as in article 8 relating to slavery and servitude should provide protection against individual as well as state action. The United States representative expressed the view, however, that some of the rights enumerated in the Covenant, such as the right to life in article 5 and freedom of movement and residence in article 11, should provide protection against state action only, but the overwhelming sentiment in the Commission was that these articles should also provide for protection against individual as well as state action. For example, the Commission felt that in the case of the right to life in article 5, the Covenant should provide protection against violence by individuals or groups as well as the state. Members of the Commission referred to the acts of mob violence by private groups in Germany during the Nazi regime where individuals had no protection with respect to many of the rights now proposed to be safeguarded by the Covenant.

In urging protection against individual as well as state action, members of the Commission did not, however, propose or contemplate any international machinery for action against any individual who deprives another individual of any right being safeguarded by the Covenant. All international machinery for the implementation of the Covenant calls only for action against the country which fails to carry out its obligations under the Covenant. The proposed provisions of the Covenant leave the responsibility for enforcement with respect to the individual or group action derogating from the rights set forth in the Covenant, to the state itself. Under article 2 of the draft Covenant each state party to the Covenant undertakes the obligation to insure to all individuals within its jurisdiction the rights provided in the Covenant. The state agrees to adopt legislative or other measures in accordance with its constitutional processes to give effect to the rights defined in the Covenant, to the extent to which such measures have not already been enacted.

Article 7

The Drafting Committee forwarded the following text for this article: "No one shall be subjected to any form of physical mutilation or medical or scientific experimentation against his will." The Commission decided to request the views of the World Health Organization with respect to this article before proceeding to its consideration.

Article 8

Paragraph 2 of article 8 provides "No one shall be held in servitude." The Commission in its discussion of the word "servitude" defined the term narrowly as practically synonymous with "serfdom" and accordingly felt that there should be no exception to this provision. The Commission did not consider the term "servitude" as synonymous with the phrase "forced or compulsory labor."

The Commission decided that the provisions in article 8 relating to forced or compulsory labor should be reviewed carefully at its next session after the completion of the present survey of forced labor by the International Labor Office and the Secretary-General of the United Nations.

Article 9

As in the case of article 5, the Drafting Committee had prepared a draft of article 9 last year which listed 40 detailed illustrative exceptions to the provision "No one shall be deprived of his liberty." The Commission decided to omit this general statement with its many exceptions and to rely instead on the provision that "No one shall be subjected to arbitrary arrest or detention." The United States representative strongly supported this decision.

Paragraph 6 of article 9 provides that "Every person who has been the victim of unlawful arrest or deprivation of liberty shall have an enforceable right to compensation." The United States representative urged the omission of this paragraph from the Covenant.

Article 11

Liberty of movement and freedom to choose one's residence were carefully defined to provide these freedoms within the borders of each state only.

In including the provision in paragraph 2 of this article that anyone is free to return to the country of which he is a national, it was made clear that this article does not limit the right of a country to terminate the nationality of its citizens for specified reasons, as for example in the case of persons who swear allegiance to another country. This provision is limited to persons who do not lose their nationality after they leave their country.

Article 13

Article 13 was revised to make it clear that the obligation to provide a fair and public hearing by an independent and impartial tribunal established by law relates only to the determination of a criminal charge and to the determination of rights and obligations in "a suit at law." By this phraseology administrative hearings are not covered by the article.

The representative of the United States urged that paragraph 3 of article 13 concerning compensation should not be included in the Covenant.

Article 15

The text proposed for article 15 by the Drafting Committee was "No one shall be deprived of his juridical personality." The revised article provides that "Every one has the right to recognition everywhere as a person before the law." Members of the Commission thought that this article was needed to provide protection against the Nazi practice of depriving members of certain groups of their legal personality so that their rights could be completely ignored.

Article 16

The Commission agreed that freedom to manifest one's religion or belief should be subject to certain limitations but that the right to freedom of thought, conscience, and religion itself and freedom to change one's religion or belief should not be subject to any restrictions.

Article 17

Consideration of article 17 of the Covenant relating to freedom of information was postponed since the next session of the General Assembly will consider a draft Convention on Freedom of Information. The Commission decided to request the views of governments as to whether an article on freedom of information should be included in the Covenant even though there may also be a Convention on Freedom of Information.

Article 21

The representative of the United States pointed out that the proposals of the Union of Soviet Socialist Republics and France concerning propaganda for article 21 should not be included in the Covenant, since the language proposed would encourage the enactment of legislation limiting freedom of speech and the press.

Article 22

Paragraph 1 of article 22 undertakes to make it clear that the rights and freedoms defined in the Covenant should not be limited to a greater extent than already provided in the Covenant. Paragraph 2 of this article expressly provides that nothing in the Covenant "may be construed as limiting or derogating from any of the rights and freedoms which may be guaranteed to all under the laws of any contracting State or any conventions to which it is a party."

Article 23

The representative of the United States proposed that the Covenant should come into force when 15 states have deposited their instruments of ratification or accession to the Covenant, pointing out, however, that she had no objection to any other substantial number. No decision, however, was reached by the Commission as to the number of states which should become party to the Covenant before it comes into force.

Article 24

The United States representative recommended that the Drafting Committee text for article 24 should be retained in the Covenant with the inclusion of a reference to "under its constitutional system" in paragraph (a).

The representative of the United States stressed the importance of including such an article in the Covenant to make it possible for federal states to adhere to the Covenant. She stated that the obligations to be undertaken by the United States Federal Government under the Covenant should be limited to the areas of federal law and federal law enforcement which it regards as appropriate for federal action under our constitutional system. She stressed the extreme difficulty of spelling out in the Covenant what matters are appropriate for federal action and what are appropriate for state action under our constitutional system, and that in general, Congress and the courts have determined the line between federal and state jurisdiction on a case-by-case basis.

The Commission decided to postpone the drafting of this article.

Economic and Social Articles

The representatives of Australia and the Union of Soviet Socialist Republics proposed that the

Covenant on Human Rights should include articles on economic and social rights as well as on civil and political rights. A number of other delegations, however, expressed their view that the initial Covenant on Human Rights should be limited to civil and political matters, and, in fact, should not include any rights in addition to those already included in the draft Covenant. The Commission decided not to take a final decision on this question at its fifth session. It instead approved a resolution requesting the Secretary-General to prepare, before the next session of the Commission, a survey of the activities of bodies of the United Nations and specialized agencies in the economic and social field for the purpose of enabling the Commission to determine what action it should take in these fields, in particular with reference to the inclusion of these subjects either in the Covenant on Human Rights or in later conventions. The Commission thus left open the question of whether provisions on economic and social matters should be included in the Covenant on Human Rights or in later conventions.

IMPLEMENTATION OF COVENANT

Three views relating to international machinery for the implementation of the draft Covenant on Human Rights developed in the fifth session. One view was that provision should be made at this time to provide the right to individuals and organizations to file petitions relating to violations by states under the Covenant on Human Rights. This view was supported by Australia, France, Guatemala, India, Lebanon, Philippines, and Uruguay.

The second view—supported by China, Egypt, Iran, the United Kingdom, and the United States—was that provision should not be made at this time for individuals and organizations to file petitions with respect to violations of the Covenant but that instead provision should only be made initially for states to file complaints against other states with respect to violations under the Covenant. This group felt that further experience was needed before developing provisions for individual petitions.

The third position, which was supported by the Union of Soviet Socialist Republics, the Ukraine, and Yugoslavia, was that no provision should be made for implementation whatsoever, mainly on

the ground that to do so would interfere with national sovereignty.

The Commission did not have sufficient time to complete both the Covenant and the measures of implementation at the past session and accordingly decided to complete its preliminary revision of the Covenant rather than the measures of implementation. It did, however, take several votes as to matters of principle relating to implementation. The first vote was on a negative proposal, that is, the provisions for individual and group petitions should not be included in measures of implementation at this time. This proposal was rejected by a vote of 8 to 8. The Commission then voted on the proposal that provisions for individual and group petitions should be included in measures of implementation at this time. This proposal was also rejected by a vote of 8 to 8. The 8 countries favoring individual and group petitions were Australia, Denmark, France, Guatemala, India, Lebanon, Philippines, and Uruguay. The 8 countries which did not favor individual and group petitions were China, Egypt, Iran, Ukraine, United Kingdom, Union of Soviet Socialist Republics, United States, and Yugoslavia. The representatives of Belgium and Chile were not present.

Following these two votes, the Commission voted on whether the Covenant on Human Rights should at this time include provisions for individual and group petitions. This proposal was rejected by a vote of 7 to 8, with Denmark abstaining. The stress in this proposal was whether the Covenant itself should include provisions for individual and group petitions.

The Commission decided in principle, by a vote of 10 to 2, that in any event states parties to the Covenant should have the right to enter complaints against other states with respect to violations under the Covenant. Only the Union of Soviet Socialist Republics and the Ukraine voted against this decision. Yugoslavia was not present.

Five draft texts on implementation before the Commission were those of India, Guatemala, France, and Australia and a joint proposal by the United Kingdom and the United States. These texts, together with a statement by the Union of Soviet Socialist Republics against all measures of implementation, are being referred to governments for their comments.

United Kingdom-United States Proposal for Implementation

The joint proposal of the United Kingdom and the United States proposes that an article on implementation be included in the Covenant to provide as follows:

A panel would be established by the Secretary-General of the United Nations of persons of high moral character and of suitable ability and qualifications to be designated by states parties to the Covenant from among their nationals, to serve on Human Rights Committees in their personal capacity. In the event one state party to the Covenant considers another state party to the Covenant is not giving effect to the provisions of the Covenant, and the matter is not adjusted between them within 6 months, either state would have the right to refer it to a Human Rights Committee to be selected from the panel. Five members would be selected from the panel to serve on a Human Rights Committee to consider a dispute between two or more states relating to the observance of the provisions of the Covenant. One member of the Committee would be selected by one party and another member by the other party and three members by agreement between them, or in the event there is no agreement between them, by the Secretary-General. The Committee would hold hearings, and the states concerned would have the right to be represented at these hearings and to make submissions to it orally and in writing. Each state would be under an obligation to supply such relevant information as is requested of it by the Committee. The Committee would be authorized to ask the United Nations Commission on Human Rights to request the International Court of Justice for an advisory opinion on legal questions. To include this provision it would be necessary for the General Assembly to authorize the Commission on Human Rights to request advisory opinions of the International Court of Justice in accordance with article 96 of the Charter of the United Nations. The Committee would report its findings of fact within 6 months of its first meeting to the states concerned and to the Secretary-General for publication. It is expressly provided that nothing in the proposal would preclude the reference of a dispute to the International Court of Justice for decision if the states concerned agreed to do so.

Other Proposals Concerning Implementation

The proposals of Guatemala, France, and India provide for an International Committee or Commission to consider petitions filed by individuals and organizations as well as by states with reference to violations by states of provisions of the Covenant. The proposal of Australia calls for the establishment of an International Court of Human Rights to consider the petitions of individuals and organizations as well as states with respect to violations of the Covenant.

The Soviet representative on the Commission opposed all the proposals for implementation submitted to the Commission. He felt that the implementation proposed "may become a means of interfering in the internal affairs of a state party to the Convention, and of undermining the sovereignty and independence of particular states."

UNION OF SOVIET SOCIALIST REPUBLICS ACTION

The Soviet representative, A. P. Pavlov, on the Commission, who abstained when the Commission voted to approve the report of its work, participated actively throughout its fifth session in the redrafting of the Covenant on Human Rights. He repeatedly sought to include provisions in the Covenant which would weaken the effectiveness of the rights and freedoms being safeguarded. The other members of the Commission, however, rejected his amendments to the Covenant just as they had rejected similar amendments he had proposed to the Declaration of Human Rights last year. Mr. Pavlov was also the representative of the Soviet Union in the Commission and the General Assembly in 1948. He abstained both in the Commission and the General Assembly last year when the Declaration of Human Rights was approved.

The non-Slav members of the Commission refused to compromise with the effective provisions they were undertaking to draft for the Covenant merely to reach agreement with the Soviet Union on the phraseology of the particular articles. The representative of the Ukraine voted with the Soviet representative in every instance in the fifth session of the Commission. The representative of Yugoslavia voted with the representative of the Union of Soviet Socialist Republics except in a

few instances. The following proposals which the Soviet representative submitted to the fifth session are illustrative of his efforts to weaken the articles of the Covenant.

With respect to article 11 concerning freedom of movement and residence and freedom to leave a country, he proposed that these freedoms be subject to the laws of the country. It was pointed out by the other members of the Commission that to include such a limitation on these rights would obviously negate them. Only the Union of Soviet Socialist Republics and the Ukraine voted for the amendment.

He proposed that the freedom of religion article read "Every person shall have the right to freedom of thought and freedom to practice religious observances in accordance with the laws of the country and the dictates of public morality." This amendment was also rejected by the Commission.

The proposal to limit freedom of assembly in article 18 by inserting "in the interest of democracy" was rejected by the Commission.

He also proposed that the following be included in the article on freedom of assembly, "All societies, unions, and other organizations of a Fascist or anti-democratic nature and their activity in whatever form shall be forbidden by law on pain of punishment." This language was rejected by the Commission.

With respect to article 19 concerning freedom of association, he sought to limit this freedom to only such associations as are permitted by the laws of the country, but he was unsuccessful in this move.

CHAIRMAN OF COMMISSION

Mrs. Franklin D. Roosevelt, the representative of the United States on the Commission, was elected chairman of the fifth session. She has been elected chairman of each session of the Commission on Human Rights since its establishment early in 1947. She was also elected chairman of the two sessions of the Drafting Committee in 1947 and 1948. On her insistence, the practice has developed in this Commission that representatives on the Commission are not to attack other countries in their remarks, since the drafting of the Covenant would be seriously jeopardized if time is wasted in unnecessary propaganda attacks and counterattacks. When any representative begins to at-

tack another country or is critical of the internal conditions of another country, he is interrupted and ruled out of order by the chairman.

At the close of the fifth session, members of the Commission paid tribute to Mrs. Roosevelt's leadership in the Commission and to the effective and able manner in which she had conducted its meetings.

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS

[As revised by the United Nations Commission on Human Rights at its fifth session at Lake Success from May 9 to June 20, 1949—The Commission is expected to reconvene for its sixth session early in 1950 to complete its revision of the Draft Covenant]

Preamble

[Consideration of the Preamble was postponed—the United States proposed that the Preamble read as follows: "The States parties hereto, bearing in mind the general principles proclaimed in the United Nations Charter and in the Universal Declaration of Human Rights, approved by the General Assembly of the United Nations on 10 December 1948, agree upon the following articles with respect to certain human rights and fundamental freedoms:"]

Article 1

[Consideration of Article 1 was postponed. It provides: "The States parties hereto declare that they recognize the rights and freedoms set forth in Part II hereof as being among the human rights and fundamental freedoms founded on the general principles of law recognized by civilized nations."]

Article 2

1. Each State party hereto undertakes to ensure to all individuals within its jurisdiction the rights defined in this Covenant. Where not already provided by legislative or other measures, each State undertakes, in accordance with its constitutional processes and in accordance with the provisions of this Covenant, to adopt within a reasonable time such legislative or other measures to give effect to the rights defined in this Covenant.

2. Each State party hereto undertakes to ensure that any person whose rights or freedoms as herein defined are violated shall have an effective remedy before the competent national tribunals notwithstanding that the violation has been committed by persons acting in an official capacity.

Article 3

[Consideration of Article 3 was postponed for consideration with implementation at the next session of the Com-

mission. Article 3 provides: "On receipt of a request to this effect from the Secretary-General of the United Nations made under the authority of a resolution of the General Assembly, the Government of any party to this Covenant shall supply an explanation as to the manner in which the law of that State gives effect to any of the provisions of this Covenant."]

Article 4

1. In time of war or other public emergency, threatening the interests of the people, a State may take measures derogating from its obligations under Part II of the Covenant to the extent strictly limited by the exigencies of the situation.

2. No derogation from Articles can be made under this provision.

3. Any State party hereto availing itself of this right of derogation shall inform the Secretary-General of the United Nations fully of the measures which it has thus enacted and the reasons therefor. It shall also inform him as and when such measures cease to operate and the provisions of Part II of the Covenant are being fully executed.

Article 5

1. No one shall be deprived of his life. (United States proposed the addition of the word "arbitrarily" at the end of this sentence—the Commission will undertake to complete this sentence at its next session.)

2. In countries where capital punishment exists, sentence of death may be imposed only as a penalty for the most serious crimes.

3. No one may be executed save in virtue of the sentence of a competent court and in accordance with a law in force and not contrary to the principles expressed in the Universal Declaration of Human Rights.

4. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

Article 6

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 7

[Consideration of Article 7 was postponed. The views of the World Health Organization concerning this Article were requested by the Commission. It provides: "No one shall be subjected to any form of physical mutilation or medical or scientific experimentation against his will."]

Article 8

1. No one shall be held in slavery; slavery and the slave trade shall be prohibited in all their forms.

2. No one shall be held in servitude.

3. No one shall be required to perform forced or compulsory labour except pursuant to a sentence to such punishment for a crime by a competent court.

4. For the purposes of this Article, the term "forced or compulsory labour" shall not include:

(a) any work, not amounting to hard labour, required

to be done in the ordinary course of prison routine by a person undergoing detention imposed by the lawful order of a court;

(b) any service of a military character or, in the case of conscientious objectors, in countries where they are recognized, exacted in virtue of laws requiring compulsory national service;

(c) any service exacted in cases of emergencies or calamities threatening the life or well-being of the community;

(d) any work or service which forms part of the normal civil obligations.

Article 9

1. No one shall be subjected to arbitrary arrest or detention.

2. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as established by law.

3. Any one who is arrested shall be informed promptly of the reasons for his arrest and of any charges against him.

4. Any one arrested or detained on the charge of having committed a crime or of preparing to commit a crime shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. Pending trial, release may be conditioned by guarantees to appear for trial.

5. Every one who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

6. Every person who has been the victim of unlawful arrest or deprivation of liberty shall have an enforceable right to compensation.

Article 10

No one shall be imprisoned merely on the grounds of inability to fulfill a contractual obligation.

Article 11

1. Subject to any general law, adopted for specific reasons of national security, public safety or health:

(a) everyone has the right to liberty of movement and is free to choose his residence within the borders of each State;

(b) any one shall be free to leave any country including his own.

2. Any one is free to return to the country of which he is a national.

Article 12

No alien legally admitted to the territory of a State shall be expelled therefrom except on such grounds and according to such procedure and safeguards as are provided by law.

Article 13

1. In the determination of any criminal charge against

him, or of his rights and obligations in a suit at law, every one is entitled to a fair and public hearing, by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security, or where the interest of juveniles or incapacitated persons so require.

2. Every one charged with a penal offence has the right to be presumed innocent, until proved guilty according to law. In the determination of any criminal charge against him, every one is entitled to the following minimum guarantees, in full equality:

(a) to be informed promptly of the nature and cause of the accusation against him;

(b) to defend himself in person or through legal assistance which shall include the right to legal assistance of his own choosing, or if he does not have such, to be informed of his right and, if unobtainable by him, to have legal assistance assigned;

(c) to examine, or have examined, the witnesses against him and to obtain compulsory attendance of witnesses in his behalf;

(d) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

3. Every one who has undergone punishment as a result of an erroneous conviction of crime shall have an enforceable right to compensation. This right shall accrue to the heirs of a person executed by virtue of an erroneous sentence.

Article 14

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 15

Every one has the right to recognition everywhere as a person before the law.

Article 16

1. Every one has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are pursuant to law and are reasonable and necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article 17

[Freedom of speech and the press—the consideration of this Article was postponed since the General Assembly in the fall of 1949 is scheduled to consider a separate convention on freedom of information.]

Article 18

Every one has the right to freedom of peaceful assembly. No restrictions shall be placed on the exercise of this right other than those prescribed by law and which are necessary to ensure national security, public order, the protection of health or morals, or the protection of the rights and freedoms of others.

Article 19

1. Every one has the right to freedom of association with others.

2. This freedom shall be subject only to such limitations as are pursuant to law and which are necessary for the protection of national security, public order, public safety, health or morals, or the fundamental rights and freedoms of others.

3. National legislation shall neither prejudice, nor be applied in such a manner as to prejudice, the guarantees provided for in the International Convention on Freedom of Association and Protection of the Right to Organize, in so far as States parties to that Convention are concerned.

Article 20

1. All are equal before the law and shall be accorded equal protection of the law.

2. Every one shall be accorded all the rights and freedoms defined in this Covenant without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Every one shall be accorded equal protection against any incitement to such discrimination.

Article 21

[Propaganda—the consideration of this Article was postponed until Article 17 on freedom of speech and the press is considered by the Commission at its next session.]

Article 22

1. Nothing in this Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms defined herein or at their limitation to a greater extent than is already provided for in this Covenant.

2. Nothing in this Covenant may be construed as limiting or derogating from any of the rights and freedoms which may be guaranteed to all under the laws of any contracting State or any conventions to which it is a party.

Article 23

1. This Covenant shall be open for signature or accession on behalf of any State Member of the United Nations or of any non-Member State to which an invitation has been extended by the General Assembly.

2. Ratification of or accession to this Covenant shall be effected by the deposit of an instrument of ratification

or accession with the Secretary-General of the United Nations, and as soon as . . . States have deposited such instruments, the Covenant shall come into force between them. As regards any State which ratifies or accedes thereafter, the Covenant shall come into force on the date of the deposit of its instrument of ratification or accession.

3. The Secretary-General of the United Nations shall inform all Members of the United Nations and other States which have ratified or acceded, of the deposit of each instrument of ratification or accession.

Article 24

[Federal state—consideration of this Article was postponed. The United States proposed that this Article read as follows:

"In the case of a Federal State, the following provisions shall apply:

(a) With respect to any Articles of this Covenant which the Federal Government regards as appropriate under its constitutional system, in whole or in part, for federal action, the obligations of the Federal Government shall to this extent, be the same as those of parties which are not Federal States;

(b) In respect of Articles which the Federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces, or cantons, the Federal Government shall bring such provisions, with favourable recommendation, to the notice of the appropriate authorities of the states, provinces or cantons at the earliest possible moment."]

Article 25

[Extension of the provisions of the Covenant to non-self-governing territories—consideration of this Article was postponed.]

Article 26

[Amendments to the Covenant—consideration of this Article was postponed.]

Article on Implementation

[The consideration of proposals for an article on implementation was postponed—the United Kingdom and the United States proposed the following article for inclusion in the Covenant for the implementation of the Covenant:

"1. If a State Party to the Covenant considers that another State Party is not giving effect to a provision of the Covenant, it may bring the matter to the attention of that State. If the matter is not adjusted between

them within six months, either State shall have the right to refer it, by notice to the Secretary-General of the United Nations and to the other State, to a Human Rights Committee to be established in accordance with the provisions of this Article.

2. The Secretary-General of the United Nations shall establish a panel of persons of high moral character and of suitable ability and qualifications, designated by States Parties to the Covenant from among their nationals, to serve on Human Rights Committees in their personal capacity. Each State Party to the Covenant may designate two persons for periods of five years.

3. Upon notice being given to the Secretary-General, a Human Rights Committee shall be established of five members selected from the panel, one member by the State or States referring the matter, one member by the other States and three by agreement between them. If any place on the Committee has not been filled within three months, the Secretary-General shall select a person from the panel to fill it.

4. The Committee shall meet at the Headquarters of the United Nations in the absence of agreement to the contrary between the Parties to the dispute and the Secretary-General, and shall establish its own rules of procedure provided that:

(a) the States concerned shall have the right to be represented at the hearings of the Committee and to make submissions to it orally and in writing; and

(b) the Committee shall hold its hearings and other meetings in closed session.

5. The Secretary-General of the United Nations shall provide the necessary services and facilities for the Committee and its members.

6. The Committee may call for relevant information from any State concerned and such State shall supply the information requested.

7. The Committee may ask the United Nations Commission on Human Rights¹ to request the International Court of Justice for an advisory opinion on legal questions.

8. The Committee shall within six months of its first meeting report its findings of fact to the States concerned, and to the Secretary-General for publication.

The record of the Committee shall be deposited with the Secretary-General.

9. Nothing in this Article shall preclude reference of the matter to the International Court of Justice for decision if the States referred to in paragraph 1 so agree."]

¹ [It will be necessary for the General Assembly to authorize the Commission on Human Rights to request advisory opinions of the International Court of Justice in accordance with Article 96 of the Charter of the United Nations.]

THE UNITED NATIONS AND SPECIALIZED AGENCIES

U.S. Will Not Support Membership of States Unwilling To Fulfill Charter Obligations

Statement by Ambassador Warren R. Austin¹

We have now heard the views of most of the members of the Council on the various applications which are before us, as well as on the various resolutions which have been submitted. It seems quite clear that the positions of the members of the Security Council have for the most part not changed, and that none of the applications before us will receive a favorable recommendation from the Security Council if we proceed to a vote at the present time. It would seem to me wiser for us to accept this position. If we follow the suggestion of our chairman, made at the beginning of the consideration of this matter, we shall avoid further lengthy discussions.

The United States supported the Swedish resolution in the General Assembly after it was clarified to indicate that the Assembly favored admission only of those states eligible under article 4 of the Charter; that is what the General Assembly intended when it noted the general sentiment in favor of the universality of the United Nations. The United States continues to strive toward the objective of universality of membership in the United Nations. The moral force and effectiveness of the United Nations depend upon the actions of its members in the spirit of the Charter. Member states have the obligation to welcome to their ranks every eligible candidate. If this were done the organization would eventually achieve substantial universality. We shall continue in our efforts toward insuring

the admission of every qualified state to this organization.

As I stated the other day, my government does not believe that the Governments of Albania, Bulgaria, Hungary, Mongolian Peoples' Republic, and Rumania have given proof that they are peace-loving states, able and willing to fulfill the obligations of the Charter. Certain policies which these states are now following, and to which I have already referred, render them in our view ineligible for membership. We should be very pleased to support the admission of these applicants if they would change their policies in question and give evidence of their willingness to abide by the Charter.

I am glad to see from the statement and resolution of my colleague from the Soviet Union that his government has apparently revised its opinion as to the qualifications of the admission of several states, which the General Assembly and the majority of the Council have long supported for admission and now considers them fully qualified for membership. We should like to believe that this signifies that the Soviet Union is now prepared to settle membership questions on the basis of the Charter, but we cannot overlook the fact that the Soviet resolution calls for the admission of 5 applicants which the General Assembly and the majority of the Council have consistently found to be not qualified for membership. From the statement of my Soviet Union colleague, it would appear that he is making his support for the admission of the 7 states whose applications his government has previously vetoed conditional upon Security Council approval of the 5 states which he desires to see admitted. As the Inter-

¹ Made before the Security Council on June 24, 1949, and released to the press by the U.S. Mission to the United Nations on the same date.

national Court has held, such a course of action is illegal and inconsistent with the Charter.

The Soviet Union, if it wishes to settle the membership problem on the basis of the Charter, is in a position to encourage some applicants to take steps to qualify themselves. The Soviet Union is not without influence with respect to the Governments of Albania, Bulgaria, Rumania, and Hungary. The Soviet Union could use this influence to the end that Albania and Bulgaria cease rendering assistance to the guerrillas in Greece and comply with the terms of the General Assembly resolution on the Greek question. It could also use its influence to the end that Rumania, Hungary, and Bulgaria should take steps to comply with the provisions of the recent treaties of peace, particularly with regard to the maintenance of fundamental human rights and freedoms.

In this connection, the Soviet Union is at the present moment in a position to contribute to the solution of this question. The proceedings under the peace treaties have been brought by certain nations in an effort to insure the proper implementation of the peace treaties by these three States. Under the treaty provisions, the heads of the missions of the Soviet Union, the United Kingdom, and the United States in the three countries in question are required to consider a dispute. The Soviet Union, which has so far declined to let its chiefs of mission participate in this conciliation machinery could very easily contribute to a solution of this question by loyally

carrying out its obligation under the treaty in this respect.

While the present actions and policies of these states are in our view a bar to their eligibility to membership in the United Nations, it is entirely within their power to take the necessary steps to change that situation. We hope that they will see the advantages of such a course of action.

At the present moment, however, we cannot support their applications. I gather from their statements that the majority of the members of the Council will be unable to support their applications. The delegate of the Soviet Union has indicated that under these circumstances he would again veto the applications of the 7 states which the General Assembly has recommended to us for admission. I should be glad to be corrected if I have misunderstood his intentions. Otherwise, I wish to support the recommendations of the chairman that we should, at this time, simply take note of our inability at the present time to make a favorable recommendation on any of the applications before us.

My government, and I assume the Security Council also, would be prepared to reconsider this question at any time if it should appear that further developments cast new light on the qualifications for membership, under article 4, of Albania, Bulgaria, The Mongolian Peoples' Republic, Hungary, and Rumania, or if as a result of changes in the positions of any members of the Security Council there appears any likelihood of the Council taking affirmative action on any of these applications.

The Question of Membership in the United Nations

Statement by Ambassador Warren R. Austin¹

The distinguished representative of Argentina last Thursday [June 16] again put before the Security Council his view regarding admission to membership in the United Nations.

The United States sees the underlying purpose of the representative of Argentina as expressing

his dissatisfaction with Soviet obstruction to the admission of qualified applicants. My government, of course, shares that dissatisfaction. It has attempted to reach agreement with all the permanent members of the Security Council on procedures which would bring an end to the deadlock on this question, and it is continuing its efforts to reach such a result. The United States has stated at the second regular session and at the third regular session of the Assembly that it would not exer-

¹ Made before the Security Council on June 21, 1949, and released to the press by the U.S. Mission to the United Nations on the same date.

cise its right of veto in the Security Council to exclude from the United Nations any applicant then under consideration which the Assembly determined to be qualified for membership. I may amplify that statement of policy now and say that we have no intention in the future of permitting our vote to prevent the admission to membership of any applicant receiving 7 affirmative votes in this Council. Furthermore, I would recall that our privileged vote has not in any instance excluded an applicant from United Nations membership. I shall return later to this point.

Therefore, we seek a purpose identical with that of the representative of Argentina. The last two Assemblies have heard learned discussions in the Political Committee by the distinguished representative of Argentina on the constitutional history of the process of the admission of new members to the United Nations. Upon such occasion, we have carefully considered the position which he has presented. However, we have not been able to accept the method of procedure for which he has so long been an advocate.

The willingness of my government to refrain from blocking by its veto the decision of any 7 members of the Security Council that an applicant is qualified for membership does not mean the United States thinks that the Council or its members should ignore the requirements of article 4. To be admitted into the organized community of nations, states should by their conduct prior to admission give proof of their readiness and willingness not to use force as an instrument of national policy, to respect the laws of nations, and to assist in their development and enforcement. Any political entity which possesses the essential attributes of statehood can easily conform its policies to the requirements of article 4, but while these requirements are simple, they are serious and basic. They may not be fulfilled by paper assurances that as of the date of admission an applicant will accept the obligations of the Charter. The organization is entitled to reasonable proof of a desire for membership based on a full understanding and respect for article 4.

I take it that this discussion will be limited to the 12 nations whose applications were considered in the Security Council and did not obtain the Council's recommendation in the autumn session of the Third General Assembly in Paris. Otherwise I should not fail to manifest again the warm support my government gives to the application of Korea.

The applications of Austria, Ceylon, Finland, Ireland, Italy, Portugal, and Jordan have consistently received the support of my government. We continued to support fully the admission of these states. Everyone received in the Council at least 8 and some of them 9 favorable votes, and in each

case it was the Union of Soviet Socialist Republics that cast the negative vote which excluded the aspiring state from membership. It is not forgotten that the Soviet representative said of Italy that his government considered that country qualified to become a member of the United Nations but voted against its admission in consideration of the fact that Bulgaria, Rumania, and Hungary had not been recommended for admission. I need not recall that the Third General Assembly meeting in Paris last autumn, by large majorities reaffirmed its view that the opposition of the Soviet Union to their applications was based on grounds not included in article 4 of the Charter and determined again that in its judgment they were peace-loving states within the meaning of article 4 of the Charter and should therefore be admitted to membership in the United Nations. The Security Council has been requested to reconsider these applications in the light of the General Assembly's determination and the court's opinion. The advisory opinion of the International Court of Justice dated May 28, 1948, held that the conditions for membership described in article 4 of the Charter are "exhaustive", that a member of the United Nations is not juridically entitled to make its consent to the admission of a state to membership dependent on conditions not expressly provided for by paragraph 1 of that article, and that in particular a member cannot, while it recognizes the conditions set forth in article 4 to be fulfilled by the applicant state, subject its affirmative vote to the additional condition that other states be admitted to membership in the United Nations together with that state. The General Assembly has also recommended that every member of the Security Council should act in accordance with the court's opinion in exercising its vote on the admission of new members.

We are meeting here today in compliance with the various requests of the General Assembly on this subject. We hope that all the members of the Security Council will give full weight to the recommendations and determinations of the General Assembly as well as to the opinion of the International Court of Justice.

The position of my government with respect to the applications of Albania, Bulgaria, Hungary, Mongolian People's Republic, and Rumania remains the same as before. We are unable to support these applications. We could not vote for the admission of Bulgaria, Hungary, and Rumania in 1947 and 1948 and cannot do so now when the three governments stand charged with systematic suppression of human rights and the violation of their peace treaties with the Allied nations. Furthermore, both Bulgaria and Albania continue to give material assistance and comfort to the rebels seeking to overthrow the constituted government of a member of the United Nations, Greece.

Finally, I agree with you, Mr. President, that if the present views of the members of the Security Council indicate that there will be no change in the

results of voting on these twelve applications, no useful purpose would be served by bringing the present matter to a vote.

If votes should be taken on the resolutions by Dr. Arce, I characterize the vote of the United States as free from commitment to the understanding, stated by Dr. Arce, of the procedure which should be followed in arriving at a recommendation by the Security Council or a decision by the General Assembly.

Terms of Reference for the United Nations Visiting Mission to Trust Territories in West Africa

U.N. doc. T/348, June 23, 1949
Adopted June 20, 1949

The Trusteeship Council,

HAVING APPOINTED a visiting mission composed of Mr. Pierre Ryckmans of Belgium, Mr. Awni Khalidy of Iraq, Mr. Abelardo Ponce Sotelo of Mexico and Mr. Benjamin Gerig of the United States of America, assisted by members of the Secretariat and by such representatives of the local administrations as the mission may determine necessary,

HAVING DECIDED that the visiting mission should depart on 1 November 1949 and visit the Trust Territories of the Cameroons under French administration, the Cameroons under British administration, Togoland under French administration and Togoland under British administration in accordance with rules 84, 89, 94, 96, and 98 of the rules of procedure for the Trusteeship Council,

Directs the visiting mission to observe the developing political, economic, social and educational conditions in the four above-mentioned Trust Territories, their progress towards self-government or independence, and the efforts of their respective Administering Authorities to achieve this and other basic objectives of the International Trusteeship System;

Directs the visiting mission to give attention, as may be appropriate in the light of discussions in the Trusteeship Council and resolutions adopted by the Council, to issues raised in connection with the annual reports on the administration of the four Trust Territories concerned and in petitions received by the Trusteeship Council relating to those Trust Territories, and in particular the petitions relating to the Ewe problem in Togoland under French and Togoland under British administration and the petition from the Bakweri Land Committee relating to the Cameroons under British administration;

Directs the visiting mission to accept or receive petitions and, without prejudice to its acting in accordance with rules 84 and 89 of the rules of procedure, to investigate on the spot, after consultation with the local representa-

tive of the Administering Authority concerned, such petitions dealing with the conditions of the indigenous inhabitants as are in its opinion, sufficiently important to warrant special investigation;

Requests the visiting mission to transmit to the Trusteeship Council as soon as possible in accordance with rule 99 of the rules of procedure for the Trusteeship Council a report, on the findings of the mission with such observations and conclusions as the mission may wish to make.

Conciliation Commission Seeks Basis for Settlement Between Arab and Israeli Representatives

Statement by Secretary Acheson

[Released to the Press June 23]

The Palestine Conciliation Commission in Lausanne is now trying to develop in as much detail as possible the position of Arab and Israeli representatives on the principal questions which remain unsolved. This effort is designed to discover whether there is at present any basis for agreement and, if not, exactly what the points of difference are.

It may become necessary for the Commission to adjourn its work for a brief period in order to permit the several delegations to consult their governments and to give an opportunity for further informal discussions. In any event, the work of the Commission itself would continue through its general political committee, its technical committee on refugees, and its Jerusalem committee.

Since these discussions are now going on with the Palestine Conciliation Commission, I do not wish to try to deal with the merits of particular issues. As a member of the Commission, the United States will do everything it can to find a basis for a settlement.

Documents and State Papers for June 1949

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Copies of this publication are for sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at 30¢ a copy.

The United States in the United Nations

[July 2-8]

Economic and Social Council

The 18-nation Economic and Social Council (Ecosoc) convened at Geneva on July 5 for its ninth session and in less than 4 hours adopted a 47-item agenda. James Thorn, of New Zealand, President of Ecosoc, in his opening speech said he hoped the Council would be able to complete its heavy agenda in 6 weeks.

One of the priority items on the agenda, the United Nations program for technical assistance to underdeveloped countries, was delayed until after July 21 at the request of the United States representative. He explained that the United States delegation could not yet state its views since the subject is pending before Congress.

Other items on the agenda are measures to increase the availability of food and to protect stateless persons; a study of the problem of forced labor, possible means and methods of enforcing trade-union rights; and resolutions from the Final Act of the United Nations Conference on Freedom of Information.

The first item considered by the plenary was the report of the Narcotics Commission. The United States representative called attention to the statement in the report on the volume of illicit traffic. The Economic Committee considered the reports of the Fiscal Commission and of the Food and Agriculture Organization. The United States representative protested a U.S.S.R. proposal to abolish the Fiscal Commission as a measure of economy, and stated that the Commission is useful, though unglamorous, and should not be abolished. A United States resolution noting measures of the FAO to increase food availability was adopted.

World Health Assembly

The Second World Health Assembly concluded its three-week session in Rome on July 2, during which experts from almost 80 countries and territories examined a short- and long-term program designed to improve the health of peoples all over the world. Plans for a dozen expanded health programs in 1950 were approved.

There will be expansion in the fight against malaria, tuberculosis, and venereal disease. Pro-

motion of maternal and child health will get increased attention, as well as environmental sanitation and nutrition. A new program will be started in mental health. A series of epidemiological studies will be conducted, including work on poliomyelitis, trachoma, rabies, smallpox and yellow fever. A campaign to control disease in the food-producing areas where the production of food can be increased greatly by dealing effectively with such diseases as malaria will be carried out with the Food and Agriculture Organization. Six areas will be chosen for development under the plan.

The United States delegate, in supporting the plan for work in the field of environmental sanitation, called attention to a World Health Organization (WHO) estimate that "more than three-quarters of the world's population, covering vast areas in all regions, are still the victims of diseases resulting from poor excreta disposal, unsafe water supplies, uncontrolled insects and inadequate protection of milk and food." The United States delegate also stressed the vital importance of work by WHO in mental health and said that all other WHO programs would benefit from the proposed mental health activities.

The Assembly approved a supplemental budget of 10 million dollars for 1950 to be used for a United Nations cooperative program of technical assistance for economic development of underdeveloped areas. Nations will be invited to contribute voluntarily to this program. This special budget for technical assistance supplements a regular budget of 7.5 million dollars, 36 percent of which is to be contributed by the United States. The United States delegate requested a revision of the assessment plan whereby the United States was expected to pay 38.8 percent of the total budget. Agreement was reached that the WHO would work toward a gradual modification of the scale of assessments with the aim that no member state would contribute more than one third of the regular budget of any year.

The Assembly agreed to ask the U.S.S.R., Byelorussian S.S.R. and the Ukrainian S.S.R. to reconsider their decisions to withdraw from WHO and renew their participation in the work of the organization. The Assembly also agreed to accept Korea's application for membership, over a strong protest from delegates of Eastern European countries.

International Children's Emergency Fund

Congress has extended the time allowed for matching the United States contribution to the International Children's Emergency Fund (ICEF). The Senate and the House of Representatives agreed to extend for another year, through June 1950, the period in which a total of 100 million dollars can be used to match the contribution of other governments under the matching formula by which the United States contributes \$2.57 for every \$1 received from other governments.

Declaration of Death of Missing Persons

The special committee established by the Economic and Social Council to deal with the declarations of death of missing persons who disappeared during the war as a result of national, religious, political, and racial persecutions, completed its session in Geneva on June 21. The Committee adopted a draft convention aimed at facilitating the pronouncement of the declaration of death of missing persons, and to obtain recognition of these declarations by all states parties to the convention. The final vote for the convention was 5 in favor, including the United States, and 2 opposed (Poland and the U.S.S.R.).

Atomic Energy Commission Working Committee Resolutions

U.N. doc. AEC/C.1/85
Adopted June 15, 1949

The Working Committee has considered, at the request of the Atomic Energy Commission, the proposal of the representative of the Union of Soviet Socialist Republics (AEC/37) that the Atomic Energy Commission begin immediately to prepare a draft convention for the prohibition of atomic weapons and a draft convention for the control of atomic energy proceeding from the principle that both conventions must be concluded and put into effect simultaneously,

Has noted the statement of the representative of the Union of Soviet Socialist Republics at its 45th meeting on Wednesday, 1 June 1949, that the proposals submitted by the representative of the Union of Soviet Socialist Republics on atomic energy in June 1946 and June 1947, should be taken as a basis for the elaboration of these draft conventions,

Recalls that these same proposals, particularly those of 11 June 1947, have already been analysed in detail and rejected in April 1948 on the grounds that "they ignore the existing technical knowledge of the problem of atomic energy control, do not provide an adequate basis for the effective inter-

national control of atomic energy and the elimination from national armaments of atomic weapons, and therefore, do not conform to the terms of reference of the Atomic Energy Commission";

And recalls that the Union of Soviet Socialist Republics proposal for the preparation of a draft convention for the prohibition of atomic weapons and a draft convention for the control of atomic energy to be concluded and brought into effect simultaneously was rejected by the General Assembly at the 157th plenary meeting in its third session on 4 November 1948, by a vote of 40 votes to 6 with 5 abstentions,

And recalls also that at the same time the General Assembly approved the General Findings (Part II C) and Recommendations (Part III) of the First Report and the Specific Proposals of Part II of the Second Report of the Commission, as constituting the necessary basis for establishing an effective system of international control of atomic energy to ensure its use only for peaceful purposes and for the elimination from national armaments of atomic weapons in accordance with the terms of reference of the Atomic Energy Commission,

The Working Committee observes that no material has been presented additional to that previously submitted to the General Assembly, the Commission or the Working Committee,

The Working Committee therefore concludes that no useful purpose can be served by further discussions in the Working Committee of those proposals which have already been considered and rejected by the appropriate organs of the United Nations. The Working Committee reports to the Atomic Energy Commission accordingly.

U.N. doc. AEC/C.1/86
Adopted June 15, 1949

HAVING OBSERVED the nature of the discussions that have taken place in the Working Committee and

CONSIDERING paragraph 3 of the resolution adopted by the General Assembly on 4 November 1948 (document AEC/33),

The Working Committee resolves:

That further study in the Working Committee is not useful until such time as the six sponsors of the resolution of the General Assembly have met and reported that there exists basis for agreement.

EDITOR'S NOTE: In the BULLETIN of June 19, 1949, page 780, the first sentence under "Atomic Energy" should read as follows: "The Atomic Energy Commission's working committee resolved that further study by the working committee of its program of work is useless until the Big Five and Canada report that some basis for agreement exists."

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

U.S. Delegations to International Conferences

Council of Foreign Ministers Deputies for Austria

The Department of State announced on June 25 the United States Delegation to the meeting of the Council of Foreign Ministers Deputies for Austria, scheduled to open at London, June 30, 1949. The Delegation is as follows:

United States Deputy for Austria

Samuel Reber, United States Deputy for Austria, Department of State

Advisers

Michael R. Gannett, Foreign Service Officer, American Legation, Vienna

Col. Charles E. Hixon, Assistant Deputy, U. S. Commission, Allied Council for Austria, Vienna

Monroe Karasik, Acting Assistant Chief, Division of Economic Property Policy, Department of State

Coburn B. Kidd, Division of Austrian Affairs, Department of State

Leonard C. Meeker, Office of the Legal Adviser, Department of State

Edwin G. Moline, Petroleum Division, Department of State

Lt. Colonel J. D. Lawler, Plans and Operations Division, General Staff, United States Army

Administrative Assistant

Mary Louise Zarger, Office of Financial and Development Policy, Department of State

Archivist

Mrs. Helen Skouland, American Embassy, London

The Council of Foreign Ministers, which adjourned at Paris June 20, instructed the Deputies for Austria to resume their work promptly for the purpose of reaching agreement not later than September 1, 1949, on the Austrian draft treaty as a whole.

Negotiations on the Austrian treaty have been in progress since January 1947. At the forthcoming meeting the Deputies will continue discussions conducted at London from February 9 to May 5, 1949, which were discontinued during

the Sixth Session of the Council of Foreign Ministers.

Committee To Pick Priorities of U.S. Program for UNESCO

A proposal to select six priority items from the UNESCO program for emphasis in securing public support for the coming year has been considered by the Executive Committee of the United States Commission for UNESCO, which has been meeting in Washington, D.C.

Under the chairmanship of Milton S. Eisenhower, president of Kansas State College of Agriculture and Applied Science, the Committee is expected to blueprint a work program to forward the purposes of the United Nations Educational, Scientific and Cultural Organization in the United States during the fiscal year July 1, 1949, through June 30, 1950.

Willard L. Thorp, Assistant Secretary of State for Economic Affairs, outlined contemplated United States participation in an expanded international program of technical assistance for the economic development of backward areas. The Committee discussed the aims and resources of UNESCO and of the United States National Commission, in relation to this program.

Plans for the United States delegation to the Fourth General Conference of UNESCO in Paris this September will be taken up with George V. Allen, Assistant Secretary of State for Public Affairs.

The United States National Commission, an advisory body to the Department of State on matters pertaining to UNESCO, is also charged with the task of carrying out the UNESCO program in the United States. The Commission will seek increased cooperation, along lines suggested by the Executive Committee's priority projects, from community, church, labor, and women's groups as well as from specialized bodies representing UNESCO's educational, scientific, and cultural interests.

The six projects upon which the Committee is expected to take action are:

An educational campaign to make known the tenets and responsibilities of the Universal Declaration of Human Rights.

Interchange of persons for the promotion of better understanding among nations.

Educational reconstruction and aid for schools, museums, libraries, and laboratories in countries recovering from the devastation of war.

An information program on relationships between food supply and population pressure and the recurrence of war.

Improvement of textbooks and teaching materials.

Education on the United Nations and its specialized agencies.

Members of the Executive Committee, in addition to Mr. Eisenhower, are:

Detlev Bronk, President of Johns Hopkins University, Baltimore

Erwin D. Canham, President of the American Society of Newspaper Editors and editor of the *Christian Science Monitor*, Boston

William G. Carr, Associate Secretary of the National Education Association, Washington, D.C.

Ben M. Cherrington, Director of the Social Science Foundation at the University of Denver, Denver

Nelson H. Cruikshank, Director of Social Insurance Activities for the American Federation of Labor, Washington, D.C.

Luther H. Evans, Librarian of Congress, Washington, D.C.

Mrs. Douglas Horton, President of Wellesley College, Wellesley, Mass.

Charles S. Johnson, President of Fisk University, Nashville

Archibald MacLeish, Winner of the Pulitzer Poetry Award in 1932, Boylston Professor at Harvard University, Cambridge, Mass.

Charles J. McLanahan, Educational Director of the Cooperative League, Washington, D.C.

Mrs. Anna M. Rosenberg, Public and Labor Relations Consultant, New York

George N. Shuster, President of Hunter College, New York

Robert S. Smith, Vice President of the U.S. National Student Assn., New York

Merle A. Tuve, Carnegie Institute of Washington, D.C.

Howard E. Wilson, Associate Director, Division of Education, Carnegie Endowment for International Peace, and member of the National Council for the Social Studies, New York

Mrs. Louise Wright, Executive Secretary of the Chicago Council on Foreign Relations, Chicago

The meeting was held in a Department of State conference room at 1778 Pennsylvania Avenue, Friday and Saturday, June 24 and 25.

Twelfth International Conference on Public Education

Dr. Rall I. Grigsby, Deputy Commissioner of Education, United States Office of Education, has been named chairman of the United States delegation to the Twelfth International Conference on Public Education scheduled to be held at Geneva, July 4-12, 1949. Kendrick N. Marshall, Director of the Division of International Relations, United States Office of Education, and Dr. Ruth E. McMurry, UNESCO Relations Staff, Department of State have been appointed to serve as delegates to this meeting.

The Education Conference is sponsored jointly by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Bureau of Education (IBE). Its purpose is to enable the attending delegations to exchange information on recent developments in education in their countries and to afford an opportunity for studying on an international level a number of educational problems of current interest.

The agenda of the Conference will include the following four points: (1) Consideration of concise reports from the Ministries of Education on educational developments during the school year 1948-49; (2) the introduction to natural science in primary schools; (3) the teaching of reading; and (4) the teaching of geography as a means of developing international understanding.

UNESCO and IBE have invited 73 nations and 5 international organizations to participate in the meeting. The Eleventh International Conference on Public Education was held at Geneva last summer.

Twelfth International Dairy Congress

The Department of State announced on June 1 the United States delegation to the Twelfth International Dairy Congress, which is scheduled to be held at Stockholm August 15-19, 1949. The delegation is as follows:

Chairman

Dr. Ollie E. Reed, Chief, Bureau of Dairy Industry, Agricultural Research Administration, Department of Agriculture

Delegates

Dr. G. M. Trout, Professor of Dairy Manufacturing, Michigan State College, and President, American Dairy Science Association

Dr. Sherman Johnson, Associate Chief, Bureau of Agricultural Economics, Department of Agriculture

Don Anderson, Assistant Director, Dairy Branch, Production and Marketing Administration, Department of Agriculture

Dr. George E. Holm, Head, Dairy Products Research Laboratories, Bureau of Dairy Industry, Agricultural Research Administration, Department of Agriculture

Ethel Austin Martin, Director of Nutrition Service, National Dairy Council, Chicago, Illinois

Dr. Leland Spencer, Professor of Marketing, Cornell University, Ithaca, New York

Dr. Hugo H. Sommer, Dairy Industry Department, University of Wisconsin, Madison, Wisconsin

Dr. William E. Krauss, Associate Director, Ohio Agricultural Experiment Station, Wooster, Ohio
 Arthur W. Farrall, Head, Agricultural Engineering Department, Michigan State College, East Lansing, Michigan

Secretary of Delegation

Dr. Eric Englund, Agricultural Attaché, American Embassy, Stockholm, Sweden

The purpose of the Congress will be to review developments and exchange technical information in the field of dairy research. Scientific papers on the following subjects will be presented by delegates from the various countries: (1) milk production, hygiene, and control, (2) physics, chemistry, and microbiology, (3) dairy industrial technique, (4) economics and trade, (5) organization of the dairy industry, and (6) tropical dairying. In addition to the scientific sessions, there will be tours to the important dairying sections of Sweden.

The invitation to attend the Congress was extended to this government by the Government of Sweden in behalf of the International Dairy Federation. The United States is not a member of the Federation but has attended the last three congresses. The eleventh in the series was held at Berlin in 1937.

Pan American Railway Congress

The United States Commission, appointed June 14 by President Truman, discussed on June 21 a program of work which includes establishment of close relationship with the headquarters of the Association in Buenos Aires and preparations for its seventh congress to be held in Mexico City, October 10-20, 1950.¹

Decision was made to assist the Association in studying improved methods of accounting for all Latin American railroads, in which the practices developed by United States railroads and the requirements of the Interstate Commerce Commission are expected to constitute important precedents. Interest of the United States Commission in the Government's technical assistance program was also shown.

The Commission members reviewed the current work of the Association and appointed two officers who are at present government officials, who will serve without additional salary: Walter S. Abernathy, Special Assistant, Transportation and Communications Branch, Office of International Trade, Department of Commerce, as executive secretary; and Kenneth N. Hynes, attaché in the United States Embassy at Buenos Aires, who will be resident member of the Association's permanent commission.

¹ BULLETIN of June 26, 1949 p. 818.

Ratification of the International Wheat Agreement

[Released to the Press June 17]

The President signed on June 17, 1949, the United States instrument of ratification of the International Wheat Agreement which was open for signature in Washington from March 23 to April 15, 1949, and which was signed during that period on behalf of the Government of the United States of America and the governments of 40 other countries. The Senate, by a resolution of June 13, 1949, gave its advice and consent to the ratification of the agreement.

The objectives of the agreement, as stated in article I thereof, "are to assure supplies of wheat to importing countries and markets for wheat to exporting countries at equitable and stable prices." The agreement, upon its entry into force, would establish an International Wheat Council to administer the provisions of the agreement during the 4-year period of its effectiveness.

It is provided in article XX that the agreement shall be subject to acceptance by the signatory governments in accordance with their respective constitutional procedures, that instruments of acceptance shall be deposited with the United States Government not later than July 1, 1949, except in cases where the Council, after it comes into being, may grant an extension of time, and that the agreement, except part 2 thereof, shall enter into force on July 1, 1949, provided the agreement has by that date been accepted by "the Governments of countries listed in Annex A to Article III responsible for not less than seventy percent of the guaranteed purchases and the Governments of countries listed in Annex B to Article III responsible for not less than eighty percent of the guaranteed sales."

The 5 signatory exporting countries (the United States, Canada, Australia, France, and Uruguay) are listed in annex B to article III. The 36 signatory importing countries are listed in annex A to article III.

The United States and Canada together account for more than 80 percent of the guaranteed sales. The Canadian instrument of acceptance was deposited on May 12, 1949. The United States instrument of ratification, constituting acceptance of the agreement, was deposited on June 17, 1949. Consequently, the requirement of the agreement with respect to exporting countries responsible for not less than 80 percent of the guaranteed sales has been satisfied.

(Continued on page 30)

² For an article by Edward G. Cale on the International Wheat Agreement see BULLETIN of Apr. 24, 1949, p. 507; the text of the agreement was printed in *Documents and State Papers* for May 1949, p. 734.

THE RECORD OF THE WEEK

Summary of Major Developments in Change-Over to Civilian Control of Germany

[Released to the Press June 30]

The Department of State announced on June 30 that John J. McCloy left by air for Germany on that date preparatory to his assumption of authority in the American zone of Germany.

Mr. McCloy will stop in Paris on July 1 for a conference with ECA Administrator Harriman and Ambassador Bruce and then proceed to Berlin for consultations with the United States Military Government authorities. Mr. McCloy will assume the position of the United States Military Governor, a post he will hold until a West German Government is created after the August 14 elections. Upon formation of a West German Government and the establishment of the Allied High Commission, he will then assume the position of United States High Commissioner in Germany.

The following summarizes major developments in the change-over to civilian control of Germany:

As John J. McCloy, former president of the International Bank for Reconstruction and Development, assumes the post of United States authority for Germany, civilian administration of occupied Germany will take form for the first time since the end of World War II.

The change from military control to civilian administration is the culmination of measures of progress, both political and economic, which have been made in Germany in the past few years. It is evidence also, of the desire of the Western powers to return to the German people a greater voice in their own destiny.

Under the proclamation of President Truman, Mr. McCloy will serve as Military Governor (reporting to the Secretary of Army) until the Allied High Commission for Germany has been established. Creation of the latter is planned at about the same time as the establishment of the new Western German Government, following the German elections on August 14. Upon assuming the

post of High Commissioner, McCloy will report to the Secretary of State.

Mr. McCloy meanwhile will serve also as chief of the Economic Cooperation Administration Mission to Germany. In his function as High Commissioner and ECA Mission chief, he will exercise full authority over all political and economic issues.

Mr. McCloy brings to his new post a varied experience in law, government, finance, and European affairs. As president of the International Bank for Reconstruction and Development from March 1947 until his present appointment he has been acutely familiar with the interrelationship of economic problems throughout the world. During the war years, as Assistant Secretary of War, he observed the destruction of war and recognized the problems of recovery.

By centralizing authority in one man, the United States aims at simplifying the implementation of its German policy. At the same time, the United States intends to broaden the area of responsibility vested in the Germans themselves.

The United States is determined to pursue a policy of positive, constructive action in Western Germany designed to revive the country economically, politically, and socially, while at the same time taking every precaution necessary to prevent the restoration of a Germany which might become militarily dangerous to Europe and the world.

Within these limits, therefore, the Germans are being encouraged to become responsible arbiters of their own future and gradually to assume the task of governing themselves democratically. In addition, the way is open for the Germans to balance their economy and finances and to expand their trade.

German participation in the organization for European Economic Cooperation, the council of

European nations receiving Marshall Plan aid, is anticipated following the establishment of the new Western German Government.

Germany, traditionally the second largest buyer and seller in Western Europe, must play a key role in the over-all economic recovery of Europe which is the goal of the Marshall Plan. To the other European nations participating in the ERP, Germany must again become a market for their products. To be able to buy their goods, Germany in turn must find new markets for her own exports. This is the cycle of trade which was interrupted first by Nazi autarchical policy and then by the war, and which is being restored through Marshall Plan assistance. It is the cycle in which Germany must take her place, not only for her own recovery but for the recovery of Europe as a whole and the revival and expansion of world trade.

In the field of political achievement Germany has taken several steps toward ultimate self-government. Under the Occupation Statute, only the minimum controls necessary for security and for the fulfillment of Allied objectives in Germany are reserved to the Western powers. This statute is described as a bridge between military government and the peace treaty.

The Western Germans have a constitution, which was drafted, approved, and legally effected by themselves. This constitution has been ratified by 10 of the 11 Western German states, and, all are expected to join when elections have been held and the new government actually comes into being.

In June 1948, the foundations for this political development were laid in the London agreements between the three Western powers, the United States, the United Kingdom, and France, and the Benelux countries, Belgium, the Netherlands, and Luxembourg.

The London agreements provided for 1) eventual fusion of the three Western zones; 2) the setting up of a provisional German Government in the west; 3) the Occupation Statute, which was to define those powers to be reserved to the Allied authorities against the new German Government, while giving it as much power as possible; 4) the International Authority of the Ruhr; and 5) agreement on minor territorial adjustments of Germany's western frontiers.

Beginning last fall, the Bonn Constitutional Assembly held meetings to draft the constitution which will be the basis for the new German Government. During the fall and winter, also, the three Western powers were working on arrangements to carry out the London agreements.

The Washington agreements, negotiated by Secretary Acheson with United Kingdom and French Foreign Ministers this spring following the signing of the North Atlantic Treaty in Washington,

represent another step in the implementation of the London agreements.

At that time, the Foreign Ministers of the three Western powers agreed to a trizonal fusion plan and to the text of an occupation statute. These agreements cleared the way for rapid progress in carrying out the London agreements.

Throughout these negotiations, the goal of giving hope and confidence to the Germans under continuing and necessary restraints was kept in sight.

One such restraint is the Military Security Board. This is the military agency responsible for the disarmament and demilitarization of Germany.

The rapid progress which has followed the Washington talks is apparent in the projected departure of Mr. McCloy late this month, and, even more significantly, in the plans for establishment of the new German Government some time this fall.

Hope for quadripartite control of Germany, which had been agreed to in the Potsdam agreements of 1945, was virtually nullified by the Russians when they walked out of the Control Council in March 1948. Their walk-out followed a period of consistent refusal to carry out the provisions of Potsdam which called for German economic unity. When, in December of that year, Soviet Foreign Minister Molotov in London made the Russian intransigence on the subject even more clear, the Western powers had no alternative but to proceed to carry out the spirit of Potsdam in the trizone as effectively as possible. The three Western nations therefore began, in February 1948, the London talks which led, ultimately, to the formation of a German Government which is now in process.

United States economic policy in Germany envisages the reestablishment of that country as a vital factor in the economic life of Europe as a whole while at the same time safeguarding Germany's neighbors from a revival of war industries. It is not possible to achieve European economic health without Germany, which for many years has served Europe both as a market and as a source of imports.

There are three major agreements affecting this economic policy:

First, the International Authority of the Ruhr (IAR), which went into effect April 28, 1949, between the United States, the United Kingdom, France, and the Benelux countries. This organization will seek to utilize the resources of the Ruhr in the common interests of both the Germany economy and the economies of the other European countries cooperating in the common economic good, while leaving operations, management, and production in German hands. It will attempt to provide effective insurance against unilateral use by Germany of key Ruhr resources. The agreement assures the fair and nondiscriminatory allo-

cation of Ruhr coal, coke, and steel between domestic use and export. It anticipates, also, that after the occupation, arrangements will be made to prevent use of Ruhr resources for German rearmament purposes.

The IAR is designed also to protect the German economy. It is expected to be ratified by the German Federal Republic when the latter is established, and Germany will have the opportunity to appoint representatives to attend all IAR meetings. Following German ratification of the agreement, Germany will have an equal vote with France, the United Kingdom, and the United States in determining the actions of the IAR.

The second example of United States economic policy in Germany is the Reparations agreement among the three Western powers. In accordance with that agreement those plants which would constitute a security risk have been eliminated. However, the number of plants dismantled has been held to a minimum in order to permit German industry to contribute to recovery.

The third basic agreement underlining United States economic actions in Germany is the Prohibited and Restricted Industries Policy, an agreement between the three Western powers. It provides for selective bans on certain industries and prohibits for security reasons the manufacture of certain products.

The change from military government in Germany to civilian administration will not mean a change in the democratization effort. The United States and the other occupying powers intend to let nothing prevent the continuation of their program for democratization of German life.

Official figures on trade indicate that Germany is already making a substantial contribution to over-all European recovery. A sharp increase in German imports from other Marshall Plan countries points to the reestablishment of Germany as one of Europe's most important markets. As an outlet for her neighbors' products, Germany is a key factor in the expansion of trade which is necessary for Europe's economic recovery.

Total import deliveries to bizonia during the first quarter of 1949 averaged about 13 million dollars per month greater than the monthly average during 1948. Nearly one third of bizonia's imports during the first quarter of 1949 came from ERP countries. Marked increase in the rate of imports from Netherlands, Sweden, Belgium, and Luxembourg, Denmark, and France were reported.

In addition, Germany is essential as an exporter of "hard" goods to her European neighbors. Figures show that bizonia exports during the first calendar quarter of 1949 were 77.5 percent greater than the average reported for the calendar year

1948. Of these exports—which were largely "hard goods"—more than 80 percent of the total went to ERP countries.

The currency reform, which was effected in June 1948, has had a pronounced influence in stabilizing the German economy, increasing production, improving distribution systems, and reviving incentive.

Reported bizonia industrial production in March 1949, was 90 percent of the 1936 level. This figure compares with the May 1948 level, which was only 47 percent of 1936.

Agricultural production in 1948 was approximately up to the average of the good years 1935-38. It is true, however, that the population of bizonia has increased by nearly a third over pre-war levels—due to the vast influx of refugees from the Eastern zone. Therefore its food requirements are considerably higher than in pre-war years.

For the same reason, employment and unemployment are both increasing in Germany. There was an increase of 800,000 persons in the registered labor force in bizonia between the end of 1947 and the end of 1948.

The importance of Germany as a market for other nations of Europe is shown by the scope of imports from ERP countries. Germany imports from Sweden, pulp; from Italy, fruits and vegetables; from Denmark, meat, eggs, dairy products; from Belgium and the Netherlands, vegetables and products from dependent overseas territories, such as fibers, oilseeds, ores, rubber, and medicinal herbs; from Austria, hides and skins, lumber, and building materials; from France and its territories, vegetables, seeds, and copper; and from Norway, fish and fish oils, iron and copper ores, and concentrates.

The marked increase in imports from ERP countries is shown in the following figures which compare German imports during the entire year 1948 with her imports during the first 2 months of 1949 in terms of dollar value; from Belgium, 1948, total 18.5 million dollars, January and February 1949, 15.4 million dollars; from Denmark, 1948, total 3.8 million dollars, January and February 1949, 5.2 million dollars; from France, 1948, total 1.2 million dollars, January and February 1949, 3.5 million dollars; from Luxembourg, 1948, total 1.7 million dollars, January and February 1949, 2 million dollars; from Netherlands, 1948, total 29.5 million dollars, January and February 1949, 8 million dollars; and from Sweden, 1948, total 27.1 million dollars, January and February 1949, 10 million dollars.

The same comparison reveals a sharp increase in bizonia trade with Eastern Europe—which is encouraged by the United States and ECA within the limits of security:

In 1948, Germany's trade with Poland had a total dollar value of \$166,500. In the first 2 months of 1949, the value had risen to about 4

million dollars. Trade with Hungary, in 1948, amounted to \$756,800; during the first 2 months of 1949 it rose to 4.8 million dollars. Bizone trade with Czechoslovakia increased from an over-all 1948 total of 9.6 million dollars to 3.2 million dollars for the first 2 months of 1949.

Trade with Finland and the Soviet Union, on the other hand, dropped in this period of comparison. The substantial increase in German-East Europe trade indicated by these figures was made possible by the trade agreements signed late last year between the American and British military authorities and the Eastern European governments.

Expanded trade is a basic goal of the American program for Germany, to enable it to support itself as well as to take its place as part of an integrated Europe, functioning in its important capacity as a buyer as well as a seller.

Bizone industrial production has made remarkable improvement in the past year in all fields, reaching in April 1949 an over-all volume equal to 82 percent of 1936. This compares with 79 percent in December 1948 and 51 percent in March 1948. In terms of commodities the improvement is shown below:

Coal: May 1948, 66% of 1936; April 1949, 86%.
 Iron and steel: May 1948, 27% of 1936; April 1949, 58%.
 Nonferrous metals: May 1948, 35% of 1936; April 1949, 78%.
 Machinery and optical goods: May 1948, 41% of 1936; April 1949, 84%.
 Motor vehicles: May 1948, 22% of 1936; April 1949, 79%.
 Electrical equipment: May 1948, 72% of 1936; April 1949, 169%.
 Textiles and clothing: May 1948, 38% of 1936; April 1949, 85%.
 Electricity and gas: May 1948, 108% of 1936; April 1949, 130%.

United States aid, which has been in large measure responsible for this revitalization of Ger-

many in the economic framework of European recovery, has been in the form of GARIOA (Government and Relief in Occupied Areas) and ECA (Economic Cooperation Administration).

GARIOA aid through the fiscal year ending June 1949 is estimated in the bizone at 573.4 million dollars.

As of the end of May 1949, the bizone area received ECA aid amounting to 484.3 million dollars of which 82.6 million dollars represented conditional grants. This was for the 15-month period ending June 30, 1949.

For the same period, the French zone received ECA aid amounting to 116.6 million dollars of which 14.8 million dollars was in conditional grants.

The close cooperation which already exists between United States-United Kingdom administration of the bizone and French administration of the French zone is expected to be even more firmly established under the Allied High Commission. Trizonal fusion will then become an accomplished fact in the determination of German activities.

Indicative of the rapport which characterizes relations between France, the United Kingdom, and the United States today is the enthusiasm with which the French have greeted the appointment of Mr. McCloy as United States High Commissioner.

The French zone imports practically all its grains and foodstuffs, causing a dollar imbalance which the ERP is designed to relieve.

Exports from the French zone include wine to the United States and other countries, electricity to Switzerland, newsprint to France, and coal to France and other areas of Germany.

Although statistics for French zone trade are not available, in general the trade patterns of the French zone follow those of the bizone. Since October 18, 1948, all foreign trade of the three Western zones has been under the auspices of the Joint Export-Import Agency (JEIA), tripartite body.

Charter of the Allied High Commission for Germany

[Released to the Press simultaneously in London, Paris, and Washington]

I. ESTABLISHMENT OF ALLIED HIGH COMMISSION AND TRANSFER OF CONTROL

1. An Allied High Commission (hereinafter referred to as the High Commission) is hereby established for the exercise of Supreme Allied Authority in the Federal Republic of Germany. The High Commission shall be headed by three High Commissioners, one designated by each of the three powers signatory hereto.

2. As from the date of the entry into force of the Occupation Statute all authority with respect to the control of Germany or over any governmental authority thereof, vested in or exercised by the respective Commanders-in-Chief of the forces of occupation of the three powers in Germany, from whatever source derived and however exercised, will be transferred to the three High Commissioners respectively, to be exercised in accordance with the provisions hereof and of the Occupation Statute.

3. The forces of occupation of the three powers in Germany shall remain stationed in their respective zones of occupation. Command of the forces of occupation in each zone and control of their related military establishments shall remain with the respective Commanders of the forces of occupation in such zones.

4. Legislation of the occupation authorities enacted before the effective date of the Occupation Statute shall remain in force until repealed or amended or otherwise replaced as provided in the Occupation Statute.

II. FUNCTIONS OF THE HIGH COMMISSION

1. The High Commission shall exercise control over the Federal Government and the Governments of its constituent Laender as provided in the Occupation Statute. In the exercise of the powers reserved to the occupation authorities under said Statute, the High Commission shall reach its decisions in accordance with the provisions of the "Agreement as to Tripartite Controls"¹ among the Three Powers dated 8 April 1949 and attached hereto and made a part of this instrument as Annex A. These decisions shall constitute a joint exercise of the authority of all of the three High Commissioners.

2. The High Commission shall act only through the Federal or appropriate Land Government except where direct action or legislation by the High Commission is necessary or appropriate for the due exercise of any of the powers reserved to the occupation authorities under the Occupation Statute.

3. The Headquarters of the High Commission shall be at the seat of the German Federal Government which, together with a surrounding area to be defined, will constitute a special area directly under the High Commission and excluded from any individual zone of occupation. The necessary special arrangements in connection with the definition and administration of this area in as far as they concern the Allies will be determined subsequently by the High Commission.

III. ORGANIZATION OF THE HIGH COMMISSION

1. The organization of the High Commission at its headquarters shall be tripartite in character and shall consist of:

A. An Allied Council (hereinafter referred to as "The Council") composed of the three High Commissioners. Each High Commissioner shall nominate a Deputy or permanent representative who will take his place on the Council in his absence. The Deputies or permanent representatives of the respective High Commissioners acting together may function as an Executive Committee of the Council if the Council so decides;

B. Such committees or bodies as the Council may from time to time establish. These committees and bodies shall advise the Council in their respective spheres

and shall exercise such executive functions as the Council may delegate to them. The number, functions, and organization of such committees or bodies may be changed, adjusted, or eliminated entirely by the Council in light of experience. Subject to the above, in order to ensure continuity of operation, the Council initially shall be assisted by Committees respectively for Political Affairs, Foreign Trade and Exchange, Finance, Economics, Law and by the Military Security Board. Each Committee shall be assisted by such associated staff as it may require and as the Council approves.

C. Allied General Secretariat.

2. The Council

A. The Council shall constitute the supreme authority of the High Commission. The Council shall meet as frequently as it considers necessary and at any time upon the request of any of its members. The Chairmanship of the Council and its various committees shall be held in monthly rotation by each of its members. The Council shall fix the time and place of its meetings and shall establish appropriate rules and procedures for the conduct of its business. Decisions of the Council shall be reached in accordance with Annex A hereof.

3. Committees

The composition of each Committee and its terms of reference shall be fixed by the Council. Initially, such Committees, together with their respective terms of reference, shall be as follows:

A. The Political Affairs Committee, consisting of the three Political Advisers to the respective High Commissioners will be concerned with all political and foreign affairs of the German Federal and Land Governments coming within the competence of the Council.

B. A Foreign Trade and Exchange Committee consisting of the respective Economic and Finance Advisers of each of the High Commissioners.

- (1) The Committee shall observe the economic, financial and foreign trade policies of the German authorities and shall advise the Council if such policies or any action taken or proposed to be taken pursuant thereto is likely to have such adverse effect on the foreign trade or foreign exchange resources of the German Government as is likely to increase its need for external assistance.
- (2) The members of the Committee shall automatically be members of the Board of Directors of the Joint Export-Import Agency (hereinafter referred to as "JEIA") and in conjunction with the other Directors shall be charged with the orderly liquidation of JEIA at the earliest practicable date. The Committee shall assume any control functions presently exercised by JEIA as may warrant retention when the liquidation of JEIA is completed.
- (3) It is understood that the German Federal Republic will become party to the convention for European Economic Cooperation and will execute a bilateral agreement with the Government of the United States. It is further understood that thereafter the functions of the High Commission in

¹ BULLETIN of May 8, 1949, p. 590.

respect of the matters referred to in (I) will be appropriately modified.

C. The Economics Committee, consisting of the three Economics Advisers to the respective High Commissioners, shall observe the general economic policies of the German authorities and shall advise the Council as to the exercise of its powers in this connection reserved under the Occupation Statute. The Committee shall advise the Council on all matters relating to the Decartelization and Deconcentration of German industry.

D. The Finance Committee, consisting of the three Finance Advisers to the respective High Commissioners, shall observe the general financial policies of the German authorities, and shall advise the Council as to the exercise of its powers in this connection reserved under the Occupation Statute. To the extent necessary within the limits of the provisions of the Occupation Statute the Finance Committee shall succeed to and shall assume the functions heretofore exercised by the Allied Bank Commission.

E. The Law Committee, consisting of the Legal Advisers to the respective High Commissioners, shall advise the Council and its committees on all legal and judicial affairs arising out of the work of the High Commission.

F. The Military Security Board shall deal with all matters of demilitarization, disarmament, industrial prohibitions and limitations, and scientific research, in accordance with its existing terms of reference.

4. Committee Staffs and Subordinate Groups

A. Within numerical limitations established by the Council, each of the committees designated pursuant to paragraph 3 of this Article III shall establish such tripartite subordinate committees or other groups as may be necessary to the performance of its functions and as the Council may approve.

B. Except as specifically otherwise provided in subparagraph C of this paragraph 4, personnel for such subordinate committees or groups shall be appointed by each of the High Commissioners on a basis of parity among the three Allied nations. They may include military personnel. The number, functions and organization of such subordinate committees or groups may be changed, adjusted or eliminated entirely by the Council in the light of experience. Each subordinate committee or group shall be answerable to the committee responsible for its creation and shall report to the Council through such committee. Each subordinate agency shall be physically located at the headquarters of the High Commission except as may be otherwise determined by the Council.

C. The subordinate committees and groups established pursuant to subparagraph A of this paragraph 4 shall include:

- (1) Joint Export-Import Agency which, until liquidated as provided in subparagraph B of paragraph 3 hereof, shall function under its existing terms of reference with an integrated staff and shall report to the Committee on Foreign Trade and Exchange

through its Director General who, together with the Deputy Directors-General, shall be members of the Board of Directors of JEIA.

- (2) The Decartelization and Industrial Deconcentration Group, the Coal Control Group and the Steel Control Group, all of which shall report through the Economics Committee.
- (3) The Combined Travel Board which shall report through the Political Affairs Committee.
- (4) Civil Aviation Board which shall report as determined by the Council.
- (5) Information and Cultural Affairs Subcommittee which shall report through the Political Affairs Committee.
- (6) A subcommittee on foreign interests which shall report as determined by the Council.

5. Allied General Secretariat

The High Commission shall be served by a Tripartite General Secretariat. The Secretariat will receive and dispatch all communications to or from the High Commission, prepare the agenda and materials for the meetings of the Council and shall keep the minutes of their meetings. The Secretariat or its appropriate branches shall act as the channel of communication between the High Commission and the agencies of the Federal Government, and between the Council and the several Land Commissioners with respect to matters affecting said Land Governments. The Secretariat shall maintain the records of the High Commission and be responsible for such other tasks as the Council may decide.

IV. LAND COMMISSIONERS

1. All powers of the High Commission shall be uniformly exercised in the constituent Laender of the Federal Republic, in accordance with tripartite policies and the directions of the Council.

2. To achieve uniformity in the exercise of its powers, the High Commission shall be represented at the seat of government of each of the constituent Laender by an Allied Land Commissioner who shall be solely responsible to the Council for ensuring due compliance on the part of the Land authorities with the Council's decisions and directives. The Land Commissioner shall report and be solely responsible to the Council for all matters of tripartite concern in the Land and shall be the exclusive channel of communication and liaison between the Council and the Land Government with respect to such matters.

3. In particular, each Land Commissioner shall be responsible to the Council for:

A. Initial consideration and prompt transmittal to the Council of Land legislation, together with his recommendations thereon;

B. observing and ensuring due compliance on the part of the Land Government with the provisions of the Federal and Land constitutions, the Occupation Statute and the laws of the occupation authorities in force;

C. providing information as required by the Military Security Board and giving all necessary assistance to the inspectorate of the Military Security Board and such other bodies as may be authorized by the Council;

D. the preparation of such periodic or special reports as the Council may request.

4. Each Land Commissioner and the members of his staff shall be nationals of the Power in whose zone the Land is situated, and shall be appointed by and administratively responsible to the High Commissioner designated by such Power. Each Land Commissioner shall be accountable exclusively to his High Commissioner and shall be his channel of communication and liaison with the Land Government with respect to:

A. All matters which are listed in Article V, paragraph 2;

B. conduct of all relationships between the forces of occupation stationed in the Land and the governmental agencies thereof except to the extent that direct communications and relations may be authorized by him.

5. Each High Commissioner shall designate an observer together with a small personal staff to be agreed in each case by the High Commissioners concerned, to each of the Land Commissioners outside of his own Zone for purposes of consultation and information.

INDIVIDUAL RESPONSIBILITIES OF THE HIGH COMMISSIONERS

1. Each High Commissioner shall maintain at the seat of government of each of the Laender in his zone a Land Commissioner with the minimum staff and facilities required for the purposes set forth in Articles IV and V hereof. He shall ensure the due implementation by each of said Land Commissioners of the decisions and directions of the Council. He shall also ensure that all powers of the High Commission are uniformly exercised within said Laender in accordance with tripartite policy and the decisions of the Council.

2. Each High Commissioner shall be responsible to his government with respect to the Laender of his zone for the matters in fields reserved to the occupation authorities listed below. Nevertheless, so far as possible, he shall coordinate the general policies which he may pursue in these fields with those of the other High Commissioners and exercise these powers in accordance with such tripartite legislation or policies as the Council may adopt.

A. Maintenance of law and order if the responsible German authorities are unable to do so;

B. ensuring the protection, prestige, security and immunities of the Allied forces of occupation, of the Allied occupation authorities, their dependents, employees and official representatives;

C. the delivery of reparations and restitutable property;

D. care and administration of displaced persons;

E. the disposition of war criminals;

F. administration of justice in cases falling within the jurisdiction of Allied courts;

G. control of the care and treatment in German prisons of persons charged before or sentenced by the courts or tribunals of the occupation authorities, over the carrying out of sentences imposed on them and over question of amnesty, pardon or release in relation to them.

3. Each High Commissioner shall be individually responsible for the formulation annually in accordance with tripartite policies and criteria, of a budget of occupation costs and other requirements within his zone. Such budget shall be formulated and submitted to the Council on a date to be determined by it for consideration and approval by the Council and for consolidation in a total budget of the occupation authorities for transmission to the German Government. Each High Commissioner shall be responsible to the Council for control of the approved budget for his zone in accordance with accounting standards and procedures established by the Council.

VI. DECISIONS OF THE COUNCIL

1. Formal decisions and directions of the Council affecting the Federal Government or any agency thereof shall be in writing and shall be communicated to the Chancellor by or on behalf of the Council.

2. Formal communications involving matters of lesser import or of a routine character may be addressed to the Minister concerned by the appropriate organ of the Council.

3. Formal decisions or directions of the Council affecting a Land Government or any agency thereof shall be in writing and shall be communicated to its Minister President through the Land Commissioner, in the name of the Council.

4. Formal decisions of the Council shall be recorded in an official gazette maintained by the High Commission at the Allied seat of control in Germany, which shall be published in the English, French, and German languages. Publication of any such decision in the official gazette of the High Commission shall be conclusive evidence that the recorded action or decision was taken pursuant to the powers vested in the occupation authorities under the Occupation Statute.

VII. INTERNATIONAL AUTHORITY FOR THE RUHR

The High Commission shall take all necessary steps to give effect to Article XXII of the agreement establishing the International Authority for the Ruhr of April 28, 1949.

VIII. FOREIGN MISSIONS IN GERMANY

The necessary liaison with the governments of other nations especially interested will be ensured by the appointment by such governments of appropriate missions to the Council of the High Commission having access, by procedures to be determined, to its subordinate bodies and to the German Government.

IX. UNITED NATIONS ORGANIZATIONS IN GERMANY

United Nations organizations and specialized agencies may operate in the Federal Republic of Germany on such terms as may be agreed by the Council.

(Continued on page 38)

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July

U.S. Insists That Disputes Over Bulgarian, Hungarian, and Rumanian Violations of Human Rights Be Settled by Peace Treaties' Procedures

[Released to the Press July 1]

On June 30, 1949, the Department of State replied to the Soviet Government's note of June 11 refusing to cooperate in the peace treaty procedures for the settlement of disputes which have arisen between the United States, the United Kingdom, and several of the Dominions, on the one hand, and Bulgaria, Hungary, and Rumania on the other.

On May 31 the United States and United Kingdom invoked those clauses of the peace treaties providing for consideration of these disputes by the three heads of mission (American, British, and Soviet) in Sofia, Budapest, and Bucharest.¹ The Soviet note of June 11 stated the view that no violations have occurred, that these matters are within the domestic jurisdiction of Bulgaria, Hungary, and Rumania, and that the Soviet Government sees no reason for the three heads of mission in each of those countries to discuss the matter.

The Department's note of June 30 reaffirms the existence of disputes for the settlement of which precise procedures are laid down in the peace treaties. The attitude of the Soviet Government, indicated by its note of June 11, shows disregard for the stipulations of the treaties and represents an obstacle to the settlement of the disputes. Instead of cooperating in the search for a settlement under procedures laid down in the treaties, the Soviet Government has chosen to give its complete support to the position taken by Bulgaria, Hungary, and Rumania and thus to condone their violation of the treaty provisions guaranteeing to their citizens the enjoyment of human rights and fundamental freedoms.

TEXT OF U.S. NOTE OF JUNE 30, 1949

[Released to the Press July 1]

The Secretary of State presents his compliments to His Excellency the Ambassador of the Union of Soviet Socialist Republics and has the honor to acknowledge receipt of the Embassy's note No. 74 of June 11, 1949. The Embassy's note stated

the views of the Soviet Government with reference to (1) the Acting Secretary of State's note of May 31, 1949 transmitting for the information of the Governments of the Byelorussian Soviet Socialist Republic and of the Ukrainian Soviet Socialist Republic, as signatories to the treaties of peace with Bulgaria, Hungary, and Rumania, copies of notes exchanged between the United States Government and the Governments of Bulgaria, Hungary, and Rumania concerning disputes arising out of violations of the clauses of the respective treaties of peace which guarantee the enjoyment of human rights to all persons under the jurisdiction of those three states; and (2) the letters sent on May 31, 1949 by the American Chiefs of Mission in Bulgaria, Hungary, and Rumania to their Soviet colleagues requesting that the Heads of Mission of the United States, the United Kingdom, and the Union of Soviet Socialist Republics in those three countries meet, in accordance with the terms of the peace treaties, to consider the disputes which have arisen concerning the interpretation and execution of the treaties.

It is noted that no direct reply has been made by the Soviet Ambassadors in Bulgaria, Hungary, and Rumania to the above-mentioned letters of the American Chiefs of Mission.

The United States Government regrets that the Government of the Union of Soviet Socialist Republics, by its refusal to cooperate in the consideration of the disputes by the three heads of mission in Bulgaria, Hungary, and Rumania, has itself shown disregard for the stipulations of the peace treaties providing explicitly that any dispute concerning the interpretation or execution of the treaties which is not settled by direct diplomatic negotiations shall be referred to the three heads of mission.

The existence of disputes between the United States Government and the Governments of Bulgaria, Hungary, and Rumania respectively cannot be questioned. According to notes exchanged with these three governments, the United States Government has charged them with repeated and systematic violations of certain clauses of the treaties of peace, and they have replied asserting that their acts do not constitute such violations. The Soviet Government, in the Embassy's note of

¹ BULLETIN of June 12, 1949, p. 755.

June 11, 1949, has associated itself with the position of the Governments of Bulgaria, Hungary, and Rumania in denying that the treaties have been violated. This interpretation is disputed by the United States and by other signatories of the treaties of peace. The procedures set forth in article 36 of the treaty of peace with Bulgaria, article 40 of the treaty of peace with Hungary, and article 38 of the treaty of peace with Rumania are precisely applicable to these disputes.

The opinion of the Soviet Government on the merits of the disputes, as expressed in the Embassy's note of June 11, deserve full consideration. They are, however, irrelevant to the question whether or not disputes exist and to the matter of instituting the procedures called for by the above-mentioned articles of the treaties of peace.

The Embassy's note states that "it is self-evident that the measures carried out by Bulgaria, Hungary and Rumania with the aim of fulfilling the articles of the Treaties of Peace rest wholly within the internal competence of these countries as sovereign states." The United States Government cannot agree that the fulfillment of international treaty obligations can be considered as a purely domestic affair. The application of such a theory would not only permit the total circumvention of treaty obligations but would destroy the very basis of international law.

At the 190th plenary meeting of the third session of the General Assembly of the United Nations, April 12, 1949, the delegate of the Union of Soviet Socialist Republics, in objecting to consideration by the General Assembly of charges of violation of human rights in Bulgaria and Hungary, cited article 36 of the treaty of peace with Bulgaria and articles 40 of the treaty of peace with Hungary and stated: "Even if there were any violation of the Peace Treaties by Bulgaria and Hungary, the states alleging such violations should adhere to the procedures stipulated in the Peace Treaties themselves." Whether there have been such violations is in dispute. The United States, as a signatory power making such allegations, had already, on April 2, 1949, initiated measures with a view to the application of the treaty clauses cited by the Soviet delegate. The resolution of the General Assembly on the subject, adopted on April 30, 1949, noted these measures with satisfaction, expressed the hope that they would be diligently applied, and most urgently drew the attention of the Governments of Bulgaria and Hungary to their obligations under the peace treaties, including the obligation to cooperate in the settlement of disputes. The Soviet Government, however, by its present attitude, shows that it is unwilling itself to act in accordance with these treaty procedures. This attitude of the Soviet Government represents an obstacle

to the settlement of disputes which have arisen under the treaties of peace.

In the light of the foregoing, the United States Government hopes that, on further reflection, the Soviet Government will see fit to reconsider its decision as conveyed in the Embassy's note of June 11, 1949, and will instruct its representatives at Sofia, Budapest, and Bucharest to meet with their respective American and British colleagues as the latter requested in their letters delivered on May 31, 1949.

Undermining of Religious Faith in Czechoslovakia

Statement by Secretary Acheson

[Released to the Press June 23]

The present attack by the Czechoslovak authorities on the position of Archbishop Josef Beran is recognized as a critical point in the calculated campaign of a totalitarian dictatorship to make impossible the preservation of the freedom and rights of religious organizations in Czechoslovakia. The United States has not failed to note the series of steps taken by the present regime in Czechoslovakia during the past year to undermine religious faith while it cynically professes to acknowledge religious liberty. Restrictions have been imposed on the freedom of assembly, association, expression, communication, and instruction in an attempt to subject religious organizations to the rule of an intolerant police state.

These measures violate the rights of conscience and the decencies of civilization. They ignore the religious freedom which should be an inalienable right of the Czechoslovak people and which was supposedly guaranteed by the constitution proclaimed by the present Czechoslovak Government itself. The systematic effort to subvert religious organizations follows the pattern of repression already established in Hungary, Bulgaria, and other countries of Eastern Europe under authoritarian Communist regimes.

Wheat Agreement—Continued from page 21

The instrument of acceptance of Belgium was deposited on June 17, 1949. There has not been deposited up to this time an instrument of acceptance on behalf of any other importing country. It will be necessary for such instrument on behalf of importing countries representing not less than 70 percent of the guaranteed purchases to be deposited by July 1 in order for any of the provisions of the agreement to enter into force and for the International Wheat Council to be established thereby.

Understanding Arrived at With Sweden To Correct Its Present Imbalance of Trade and To Conserve Its Foreign Exchange

[Released to the Press June 29]

The Department of State announced on June 29 that discussions have recently been held between representatives of the United States and Swedish Governments regarding Sweden's continuing need to prevent further serious losses of gold and foreign exchange holdings caused by the substantial deficit in Sweden's trade with the hard-currency areas of the world.

The drastic reduction of Sweden's holdings of hard currencies since the close of the war necessitated temporary modifications of the quantitative and nondiscriminatory commitments of the trade agreement of 1935 between the two countries. Understandings regarding such modifications were reached on June 24, 1947, February 11, 1948,¹ and June 12, 1948.²

Due to Sweden's continued shortage of hard currency, it was agreed on June 27 to extend the arrangements embodied in the aforementioned understandings until June 30, 1950, or until Sweden becomes a contracting party to the General Agreement on Tariffs and Trade, whichever is the earlier date. The understanding of June 27 may be terminated by either government on 60 days' written notice, after consultation as to the justification for its continuance.

Text of the memoranda exchanged on June 27 follows.

EMBASSY OF SWEDEN
Washington, D. C.

Memorandum

The Government of Sweden wishes to refer to discussions which have been held between its representatives in Washington and representatives of the Government of the United States of America concerning the problems faced by the Government of Sweden as the result of the serious loss of its gold and dollar exchange. These discussions have resulted in a mutual understanding between the two governments as follows:

¹ BULLETIN of Feb. 22, 1948, p. 251.

² BULLETIN of July 11, 1948, p. 53.

July 11, 1949

1. Because of the large deficit in the Swedish balance or payments with the hard currency areas of the world, it is recognized that the Government of Sweden continues to be faced with the necessity of taking measures to correct its present imbalance of trade and to conserve its foreign exchange. The import restrictions imposed by the Government of Sweden on March 15, 1947, as presently applied, are understood to serve these purposes.

2. It is therefore agreed that the provisions contained in the exchange of *aide-memoire* between the two governments dated June 24, 1947, as modified by the exchange of memoranda dated February 11, 1948, and June 12, 1948, shall continue to be applied after June 30, 1949, until the Government of Sweden becomes a contracting party to the General Agreement on Tariffs and Trade concluded at Geneva, Switzerland on October 30, 1947, or until June 30, 1950, whichever is the earlier. The Government of Sweden is now engaged in tariff negotiations in Annecy, France, looking toward its eventual accession to that Agreement. If, however, Sweden has not adhered to the General Agreement on Tariffs and Trade by May 1, 1950, the two governments agree to review the situation for the purpose of considering such actions as the circumstances may demand.

It is further agreed that either government after consultation as to the continued justification for this understanding may terminate it on 60 days written notice.

Washington, D. C., June 27, 1949.

Memorandum

The Government of the United States of America wishes to refer to discussions which have been held between its representatives and representatives of the Government of Sweden concerning the problems faced by the Government of Sweden as the result of its serious loss of gold and dollar exchange, and to the memorandum of today's date from the Embassy of Sweden setting forth the understanding reached in these discussions. The

Government of the United States of America takes note of the fact that the Government of Sweden acknowledges the current validity of the 1947 and 1948 understandings between the two governments. The Government of the United States of America confirms the understanding reached in recent discussions as set forth in the memorandum from the Embassy of Sweden.

DEPARTMENT OF STATE,
Washington, June 27, 1949.

Efforts of Soviet Union To Jam Voice of America Programs

Assistant Secretary Allen at his news conference on June 13 said that the United States technical experts are convinced that the Soviet Union required 3 months to build up their equipment for the present jamming campaign.

The intensified jamming was initiated in April at about the time when the United States and the U.S.S.R. representatives were discussing in New York the possibility of lifting the 10-month-old blockade. Mr. Allen expressed the belief, however, that in view of the 3 months needed for preparation, the timing of the jamming operations may have been overemphasized.

Mr. Allen estimated that between 25 to 30 percent of the VOA broadcasts are getting through to the Russian people. He said that the "Voice of America" and the British Broadcasting Company (BBC) have used as many as 101 transmitters on as many wave lengths to beam broadcasts to the U.S.S.R. on a single occasion.

According to present estimates, there are about five million radio receivers in the Soviet Union.

Mr. Allen said that the Soviet Government is doing everything possible to keep from the people news of the jamming activities. He said that they have been jamming us sporadically for 15 months or more and that the decision they made to put this terrific amount of equipment, time, and energy into the jamming operation was the result of their "increased realization of the effectiveness of our Voice operation in general and their determination to do everything they possibly could to prevent the Russian people from hearing what we had to say."

In describing the one outstanding difference between what we are saying to the Russian people and what the Soviet Government is saying to them, Mr. Allen said that the "Soviet Government is trying to make every effort it can to convince not only its own people, but all the satellite people and everybody else in the world they can

reach that the program of the United States is thoroughly reactionary, backward-looking, and a return to the pre-1914 days, if you will." He said that they know that if they can sell that idea that it is a very effective one for them. They also know that what we are offering and what we hope for the peoples of the world and particularly those behind the Iron Curtain is "something a great deal better than those people have ever known, either in 1914 under the Czars and the previous regimes in eastern Europe, or what they know today." They are determined, Mr. Allen said, "to try to prevent their people from hearing our true program and keep dinning in their ears every day that the only thing that the United States has to offer is almost what amounts to the absentee landlord system, corrupt ecclesiastical authority under people like Rasputin, and the decadent aristocracy of the old days."

Asked whether the United States was considering methods to counter Soviet jamming, Mr. Allen answered affirmatively but did not go into details.

He said that as a result of the equipment needed for jamming purposes, the Soviets suspended for a while their entire Latin American program and that the domestic broadcasts have been reduced. The Latin American broadcasts have been resumed.

Mr. Allen explained that only the VOA broadcasts to the U.S.S.R. and not those to the satellite countries have been jammed.

Report on the European Recovery Program

[Released to the Press by ECA July 1]

While industrial production in Western Europe is flowing at an increasing rate, Marshall Plan countries face complex problems of economic balance, the Economic Cooperation Administration said on July 1 in releasing a report on the recovery program.

"Over-all trade volume is being sustained at high levels, industrial production continues to expand, and the threat of inflation seems to have eased," ECA said. "At the same time, however, weaknesses in the pattern of economic development are coming to the fore."

"Trade volume among the participating countries continues to lag, and there are signs of difficulties in sustaining domestic demand and in absorbing the labor force freed by increasing productivity."

"Problems of markets, trade, prices, and distribution are taking the place of those of production, allocation, and rationing."

Department of State Bulletin

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On the bright side, ECA reported that:

Industrial output during the first 1949 quarter was 113 percent of prewar. This was 14 percent above the corresponding quarter a year ago. A further increase in over-all output is indicated for the second quarter, in the light of the preliminary April and May reports on output in major industries, such as coal, steel, and textiles.

Steel output rose above the prewar average for the first time in the opening quarter of 1949, steel continuing to set the pace in production expansion. Preliminary figures for April and May reflect no slackening. Coking coal and steel scrap are becoming more abundant. Coal output in the first 1949 quarter increased 10 percent over a year ago, although still below prewar. Textile output, measured by yarn production, was about 15 percent greater; rayon production was 35 percent greater.

Construction activities continued to expand. Cement output was 16 percent above the same period of last year, and brick output also was up.

Rains which followed the spring drought have improved prospects for agricultural production, and indications are that output of grains will not be far behind the 1948 harvest.

Prices have been stable or have declined slightly in all countries except Turkey. Budgets are on the way to balance. Revenue from taxation is more than sufficient to cover the regular expenditures of governments in all countries except Greece and Austria. Where current revenues are not sufficient also to finance in full investment expenditures by governments, these are being largely covered from noninflationary sources such as long-term internal loans and ECA counterpart funds.

On the other hand, the ECA report showed the following weaknesses in recent trends:

There is evidence that, with the turn from a sellers' to a buyers' market in the United States, European exports to North America are encountering resistance. Preliminary data indicate that first quarter exports to the Western Hemisphere were somewhat smaller than in the preceding period. Exports to the United States declined to 65 million dollars in April from an average of 83 million dollars per month in the first quarter and 91 million dollars in the last 1948 quarter.

Intra-ERP trade, which is considered imperative to the economic recovery of Western Europe, has lagged behind the postwar expansion of total trade. Excluding Western Germany's depressed trade, the total export volume in the first quarter was 119 percent of prewar, while exports among participating countries was only 105 percent of prewar.

Changing price levels, particularly in the hard-

currency areas, seem to call for adjustments so that an adequate volume of output may be directed to these areas which provide the needed imports.

Electric power supply in the first quarter showed a smaller increase than in the previous quarter, the decline reflecting the shortage of thermal generating equipment and the severe drought which reduced the hydroelectric power supply of France, Italy, and Austria.

The labor situation during the first quarter was featured by a small general increase in unemployment and a continued increase in output per worker. Unemployment in the German bizone rose to 1.2 million in March, from 750,000 in December. Belgian unemployment, though still serious, declined from 300,000 at the first of the year to 230,000 at the first of April. Unemployment in Italy was almost 2 million in the first quarter, and the problem may be further aggravated.

The tempo of further production increases, the ECA report concludes, seems to hinge in part on establishing a basis for relating the economies of the participating countries so that the increased output can flow into economically desirable channels.

Comprehensive data on ERP economic developments underlying this summary are charted in the ECA bimonthly report, *Recovery Guides*.

Secretary Acheson Welcomes Latvian Envoy

[Released to the Press June 28]

The Secretary of State on June 28 received Jules Feldmans, a career diplomat with the rank of Minister in the Latvian diplomatic service, who presented his letter of appointment as Chargé d'Affaires of Latvia in Washington. Mr. Feldmans becomes chief of the Latvian diplomatic mission in the United States, in succession to the late Latvian Minister, Dr. Alfred Bilmanis, who died here last July.

Remarks of Mr. Feldmans to the Secretary of State

SIR, I have the honor to present to Your Excellency the letter of Mr. Charles Zarine, Latvian Minister in London and bearer of the Special Emergency Power of the last legal Government of Latvia, introducing me to Your Excellency as Chargé d'Affaires of Latvia in the United States, and thus charging me to continue the work of my predecessor, the late Latvian Minister Dr. Alfred Bilmanis, who during his twelve years of service in Washington until his death discharged his duties with honor and distinction.

On assuming my duties in this responsible post

so important for the Latvian nation, I wish to express the deep gratitude which my people feel toward the United States Government for its friendly attitude in accepting a new Latvian Representative Plenipotentiary in the United States, and acceptance especially significant in times so trying and difficult for my country. By not recognizing either *de facto* or *de jure* the annexation of Latvia proclaimed by a foreign power and brutally carried out in breach of the existing treaties and international law, the United States Government not only continued to maintain its traditional benevolent attitude toward the small nations, but also assumed the role of the most powerful guardian of international justice and true Christian morals, upon which the entire Western civilization is based. This attitude gives me great encouragement to assume my duties, and I beg Your Excellency to accord me his assistance in the fulfillment of my mission.

Remarks of the Secretary of State to Mr. Feldmans

SIR: I have received from your hands the letter of April 20, 1949 from Mr. Charles Zarine, the

Latvian Minister in London and bearer of the special emergency powers of the last independent Government of Latvia, presenting you to me as Chargé d'Affaires of Latvia in the United States in succession to the late Latvian Minister, Dr. Alfred Bilmanis, whose untimely death last year ended a long period of distinguished service for his country in Washington. Dr. Bilmanis' cooperation with this government was always full and wholehearted.

In accepting you as the chief of the Latvian Mission in Washington in the capacity of chargé d'affaires an occasion is afforded my government to demonstrate its continuing interest in the welfare of the Latvian nation. I am therefore particularly happy to welcome you to Washington, and am sure we will establish and maintain with you the same close cooperation and mutual understanding as we had with your predecessor.

I wish you happiness and success in your new mission and assure you that my associates in the Department and I will always be ready to help in every way we can.

I would also ask you to thank Minister Zarine for his expression of good wishes, which are warmly reciprocated, on behalf of the Latvian nation and himself for the welfare of the United States.

Regions in China Closed to Foreign Vessels

Note From Chinese Ministry of Foreign Affairs to American Embassy in Canton, dated June 20, 1949

[Released to the Press June 23]

[Translation]

The Ministry of Foreign Affairs presents its compliments to the American Embassy and has the honor to state that the Government of China has now decided that the following regions from the north bank of the mouth of the Min River, longitude 119 degrees, 40 minutes east and latitude 26 degrees, 15 minutes north to the mouth of the Liao River, longitude 122 degrees, 20 minutes east and latitude 40 degrees, 30 minutes north, which lie along the coast and within the territorial water of China shall be temporarily closed, and entry therein of foreign vessels shall be strictly forbidden. Instructions have already been issued by the Government of China that, beginning from

midnight of June 25 of this year, prompt actions shall be taken to prevent violations of this decision by foreign vessels. All foreign vessels shall themselves be responsible for any danger resulting from their violation of this decision.

The Ministry of Foreign Affairs also wishes to call the Embassy's attention to the fact that, during the period of rebellion suppression, the Government of China decided on June 18 of this year to close all ports originally declared open but no longer under the actual control of the Government of China. Included in this category are Yungchia [Wenchow], Ningpo, Shanghai, Tientsin and Chinghuangtao [Chinwangtao], where no commercial shipping by sea shall be permitted.

The Ministry of Foreign Affairs requests the Embassy to give due consideration to this matter and to transmit the contents of this note to the American Government, and promptly notify the American shipping companies concerned to act accordingly.

Note From U.S. Embassy at Canton to the Chinese Ministry of Foreign Affairs, dated June 28, 1949

[Released to the Press June 29]

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of China and has the honor to refer to the latter's note No. 5938 of June 20 stating that the Government of China has now decided that the regions from the north bank of the mouth of the Min River, longitude 119 degrees 40 minutes east and latitude 26 degrees 15 minutes north, to the mouth of the Liao River, longitude 122 degrees 20 minutes east and latitude 40 degrees 30 minutes north, which lie along the coast and within the territorial waters of China shall be temporarily closed, and entry therein of foreign vessels shall be strictly forbidden. The note under reference adds that instructions have been issued by the Government of China for the enforcement of this decision beginning from midnight June 25, 1949, and calls attention to a decision by the Government of China on June 18, 1949, to close all ports originally declared open but no longer under the actual control of the Government of China.

As requested therein, the Ministry's note was transmitted to Washington. The Embassy is now instructed to state in reply that, despite the friendliest feelings toward the Chinese Government, the United States Government cannot admit the legality of any action on the part of the Chinese Government in declaring such ports and the territorial waters adjacent thereto closed to foreign vessels unless the Chinese Government declares and maintains an effective blockade of them. In taking this position, the United States Government has been guided by numerous precedents in international law with which the Chinese Government is doubtless familiar and has noted that the ports referred to are not under the actual control of the Chinese Government.¹

¹ On Nov. 21, 1908, the Government of Haiti declared the port of Aux Cayes blockaded. Upon receipt of the telegram Secretary of State Root directed the American Minister to Haiti (Furniss) "to convey to the Haitian Government the usual notice that blockade must be proclaimed and maintained by an adequate force in order to be respected." (1908 *For. Rel.*, p. 439.)

The Department of State was informed in 1912 that the port of Veracruz, Mexico, which was in the hands of insurgents, had been ordered closed by the Federal Government. It thereupon instructed the American Chargé d'Affaires to inform the Mexican Foreign Office as follows:

"As a general principle a decree by a sovereign power closing to neutral commerce ports held by its enemies, whether foreign or domestic, can have no international validity and no extraterritorial effect in the direction of imposing any obligation upon the governments of neutral

Note From Chinese Ministry of Foreign Affairs to American Embassy at Canton, dated June 30, 1949

[Translation]

The Ministry of Foreign Affairs of the Republic of China presents its compliments to the Embassy of the United States of America, and has the honor to refer to the latter's note, No. 265, of June 28, 1949, setting forth the position of the United States Government with regard to the closure by the Chinese Government of certain parts of its territorial waters and the ports therein.

In reply, the Ministry has the honor to state that the Chinese Government deems it within the sovereign right of a state to declare open or closed any part of its territories, whenever conditions necessitate. In fact, the Chinese Government has exercised in the past on more than one occasion the right to close some of its ports, and no question of legality has been raised by any government, including that of the United States. Port Dairen, for instance, was declared closed at a time when it was not under the actual control of the Chinese Government. The closure order under reference is, in effect, of a similar nature and is, therefore, enforceable independently of a declaration of blockade, which has never been, and is not, under the contemplation of the Chinese Government.

In stating its position, the Chinese Government also wishes to assure the United States Government that in the execution of the closure order it will undertake to do its best to avoid any unnecessary hardship or loss to the nationals of the United States. The Chinese Government hopes, therefore that in view of the friendly feelings happily existing between the two peoples, the United States Government will see its way to cooperate with it so as to prevent any untoward incident.

The Chinese Government has the honor to request the Embassy of the United States of America to be good enough to transmit at its earliest convenience the above reply to the Government of the United States.

powers to recognize it or to contribute toward its enforcement by any domestic action on their part. If the sovereign decreeing such a closure have a naval force sufficient to maintain such a blockade, then he may seize, subject to the adjudication of a prize court, vessels which may attempt to run the blockade. But his decree or acts closing ports which are held adversely to him are by themselves entitled to no international respect. The Government of the United States must therefore regard as utterly nugatory such decrees or acts closing ports which the United States of Mexico do not possess, unless such proclamations are enforced by an effective blockade." (VII Hackworth, *Digest of International Law*, 1943, p. 166.)

When the Mexican Government decreed that in addition to the ports of Veracruz and Manzanillo, in the hands of insurgents, the ports of Frontera and Puerto Mexico were closed and notified the United States of its

Allegations of Espionage in Mukden Denied

[Released to the Press June 22]

The Department of State fully endorses the statements issued on June 19 by the American Embassy, Nanking, and on June 20¹ by the Office of the American Embassy, Canton, denying Chinese Communist allegations that the American Consulate General at Mukden served as an espionage organ. With respect to these allegations, which appeared in a North China News Agency report datelined Mukden June 18, the Department states categorically that no member of the staff of the Consulate General is or has been involved in espionage activities. Specifically they are not and have not been involved in any way with the individuals or alleged activities mentioned in the North China News Agency report.

As the Department had announced previously,²

action, Secretary of States Hughes replied, February 1, 1924, that—

"... this Government, with the friendliest disposition toward the Mexican Government, feels obliged, following a long line of precedents, to respect what are believed to be the requirements of international law, to the effect that a port of a foreign country declared by the government thereof to be outside of its control, cannot be closed by such government save by an effective blockade maintained by it." (VII Hackworth, *Digest of International Law*, 1943, p. 167.)

During the revolution in São Paulo in 1932, the Brazilian Government closed all ports of that State to foreign and domestic shipping. On July 16, 1932, Secretary of State Stimson instructed the Embassy in Rio de Janeiro:

"If Santos is in the control of insurgents the Brazilian Government would have no right to close this port by decree as reported . . . unless this decree is enforced by an effective blockade." (VII Hackworth, *Digest of International Law*, 1943, p. 168.)

In reply to a *note verbale* of August 20, 1936, from the Spanish Foreign Office to the American Embassy advising the Embassy that certain ports in the possession of the Government had "been declared a war zone" and that consequently entry into them by merchant ships would not be permitted, the Department of State instructed the Embassy on August 25 to reply as follows:

"My Government directs me to inform you in reply that, with the friendliest feelings toward the Spanish Government, it cannot admit the legality of any action on the part of the Spanish Government in declaring such ports closed unless that Government declares and maintains an effective blockade of such port. In taking this position my Government is guided by a long line of precedents in international law with which the Spanish Government is doubtless familiar." Department of State, *XV Press Releases*, weekly issue 361, pp. 192-193 (Aug. 27, 1936).

all communications between the American Consulate General at Mukden and the outside world were severed by order of the Chinese Communists on November 18, 1948, 16 days after Mukden was occupied by Chinese Communist forces. From unofficial reports it appears that members of the staff of the Consulate General have been confined to their compounds since November 20. Only since June 13 have the Chinese Communists relaxed their communications blockade of the American Consulate, Mukden, to the extent of permitting it to exchange Chinese language telegrams on administrative matters with the American Embassy at Nanking and with the American Consulate General at Peiping.

This propaganda attack, coming as it does a month after the United States Government informed the Chinese Communists that the Consulate General at Mukden was being closed and its staff withdrawn, appears explicable only as an effort to excuse the unjustifiable treatment accorded personnel of the Consulate General by the Chinese Communist authorities, contrary to generally accepted standards of international law and comity.

¹ Communist charges that the American Consulate General in Mukden was engaged in espionage are ridiculous and absolutely false. The Communists may have levelled such charges in order to distract attention from the fact that they have held the American Consul General and his staff incommunicado for the past 7 months in violation of international law and custom.

² The Department of State made the following announcement on May 31:

In view of the arbitrary restrictions imposed on the United States Consulate General in Mukden by the local Communist authorities, the Department of State has issued instructions that the Consulate General be closed and its staff withdrawn.

On November 18, 1948—18 days after the occupation of Mukden—the Chinese Communist authorities forced the closure of the Consulate General's radio facilities, and despite innumerable subsequent attempts to restore communications, no direct word has been received from Consul General Ward or his staff. There have been indirect reports that the Consul General and his staff, while safe and well, have been confined to their compounds and have been prohibited from carrying on the normal functions customarily performed by consular officials with the sanction of recognized international practice.

When it proved impossible to establish communications with the Consul General in Mukden, even after restoration of ordinary mail and telegraph communications between Mukden and cities in north China, Chinese Communist authorities in Nanking and north China were notified that unless the arbitrary restrictions were removed and the Consulate General permitted to carry on normal consular functions the Consulate General would be closed and the staff withdrawn.

No change having followed this notification, Consul General O. Edmund Clubb in Peiping was instructed on May 17 to notify the Chinese Communist authorities there that the Consulate General in Mukden was being closed and to request facilities for the withdrawal of the staff.

Aid to Korea

Statement by Secretary Acheson on his Meeting With the House Foreign Affairs Committee

[Released to the Press June 23]

I also discussed with the Committee the bill authorizing aid to the Government of the Republic of Korea which the Committee is now considering. I urged an early report so that final action can be taken by June 30, when the present program of aid to Korea will terminate. I stressed the fact that the Government of the Republic of Korea, which has been recognized as the only legal government in Korea by the General Assembly of the United Nations, stands as a symbol of hope to those people in the surrounding area who have fallen under the oppressive yoke of Communism, and that without the proposed assistance the people and the government in south Korea will have an almost insuperable task in maintaining freedom and independence.

Control Over Certain Property of Former Japanese Government Relinquished¹

By virtue of the authority vested in me by Executive Order 9760 (11 F. R. 7999), as amended by Executive Order 9788 (11 F. R. 11981), and pursuant to law (R. S. 161; 5 U. S. C. 22), the undersigned, after appropriate investigation and consultation, deeming it necessary in the national interest:

Hereby waives any authority which he may have to exercise control and supervision over certain property consisting of funds deposited as checking or commercial accounts at the National City Bank of New York, Fifty-first Street Branch, New York, New York; Whitney National Bank of New Orleans, New Orleans, Louisiana; Second National Bank of Houston, Houston, Texas; First National Bank of Chicago, Chicago, Illinois; Northern Trust Company, 50 South La Salle Street, Chicago 90, Illinois; Union Trust Company of the District of Columbia, Fifteenth and H Streets NW., Washington 5, D. C.; National Metropolitan Bank of Washington, 613 Fifteenth Street NW., Washington 13, D. C.; Riggs National Bank of Washington, D. C.; Sumitomo Bank of Seattle, Seattle, Washington, and the former branch offices of the Yokohama Specie Bank, Limited, in California and New York, respectively, in the names of various former diplomatic and con-

sular establishments of the Japanese Government which were situated at the cities wherein these banks are located. The custody of this property is relinquished to the Office of Alien Property of the Department of Justice, and a notification in writing to the Office of Alien Property of this action is hereby authorized.

This release shall become effective on the date of publication in the *Federal Register* of a vesting order issued by the Office of Alien Property covering the property described herein.

In connection herewith reference is made to the antepenultimate paragraph of Department of State Public Notice DA 170 of August 1, 1946.

[SEAL]

DEAN ACHESON,
Secretary of State.

May 11, 1949.

Provisions of Argentine-U.K. Trade and Payments Agreement Studied

[Released to the Press June 27]

During the course of the negotiations between the British and Argentine Governments which led to the adoption of the Trade and Payments Agreement, representatives of the Department of State engaged in a number of discussions with British and Argentine representatives regarding the proposed agreement. The circumstances leading to the proposed agreement and the terms under contemplation were fully explored. On studying the final terms, the Department is gratified to observe that substantially more flexibility is incorporated in its provisions than had at first been informally reported.

The agreement constitutes an effort on the part of the United Kingdom and Argentina to expand their trade with each other without risking further loss of dollars and gold of which both countries are short. The agreement will permit transactions between the United Kingdom and Argentina to be settled in sterling, and an effort will be made to achieve a balance of payments at the highest possible level of trade.

The agreement provides that the British Government will buy very substantial quantities of meat products from the Argentine Government over the next 5 years. It provides also that British-controlled companies will offer substantial quantities of petroleum and petroleum products to importers in Argentina. Stated minimum quantities of other products are listed in the agreement which the Governments will permit to be bought and sold through the customary channels, provided buyers and sellers reach agreements on the terms. Therefore, apart from the firm contract for the purchase of meat products, the purchase or sale

¹ [Public Notice 7] 14 *Fed. Reg.* 2590.

of other commodities will depend upon the future decisions of British or Argentine buyers or sellers.

In discussions with British representatives, the United States has recognized the fact that as long as the British dollar shortage continues, the British Government will have no choice but to seek arrangements with other countries designed to avoid a loss of dollars, while maintaining its essential imports. The United States has stressed that these arrangements should be of a sufficiently flexible character so that they would not continue beyond the period in which they were made necessary by the dollar shortage. The United States notes that the United Kingdom-Argentine arrangements provide for the right of termination of the Trade and Payments Agreement at the end of any year by either party, that prices contained in the meat contracts are subject to annual agreement by the parties, and that the export and import of other products, including petroleum products, depends upon the subsequent negotiations of buyers and sellers. The agreement by its terms may therefore be adapted to changing circumstances.

The United States is pleased to note the United Kingdom's reaffirmation of its basic objective of returning to convertibility and multilateralism and its disavowal of an intention to discriminate against the trade of third countries. The United States also notes that neither the United Kingdom nor Argentina is obliged by the terms of the agreement to purchase goods from the other at prices in excess of those available in other markets, and that the United Kingdom does not propose that its capacity for exporting goods to the dollar area will be affected by the agreement.

The United States proposes to discuss periodically with the United Kingdom the nature of actual operations under the agreement, having in mind the ultimate objectives of both governments.

Charter of the Allied High Commission—Continued from page 28

X. OFFICIAL LANGUAGES

The official languages of the High Commission shall be English and French. Authoritative German texts of documents shall be provided as necessary.

IN WITNESS WHEREOF the foregoing agreement has been duly executed by the respective representatives thereunto duly authorized of the Governments of the United Kingdom of Great Britain, the United States of America and the Republic of France, in triplicate in the French and English languages, each text being equally authentic and shall come into effect on the date of the entry into force of the Occupation Statute.

PARIS

20th June, 1949.

[Signed at Paris by Secretary of State Acheson, Foreign Minister Bevin, and Foreign Minister Schuman on behalf of their governments.]

Agreement With Canada Relating to 1948 Potato Crop Terminated

Through an exchange of notes on June 20, 1949, the United States and Canada terminated an agreement of November 23, 1948, under which the Canadian Government instituted a price-support and export-permit program for the 1948 Canadian potato crop.¹ Under this program Canada ceased exporting table-stock potatoes to the United States and controlled the export of certified seed potatoes in a manner designed to channel them exclusively into seed outlets in the United States.

The agreement was negotiated for the purpose of avoiding certain problems which would confront the United States Government in the operation of its price-support and other programs for potatoes if imports of Canadian potatoes during the then current crop year were to continue to be unrestricted. Since the 1948 potato marketing season is practically ended and stocks of old potatoes are relatively low, the termination of the agreement is considered to be in the mutual interest of both countries.

Canada's prompt and effective cooperation with the United States in entering into and carrying out the agreement has provided another instance of the readiness of the two countries to take joint action to meet problems of mutual concern.

For text of the exchange of notes, see Department of State press release 472 of June 21, 1949.

Military Mission Agreement With Peru Signed

[Released to the Press June 20]

There was signed on June 20, 1949, by James E. Webb, Acting Secretary of State, and Fernando Berckemeyer, Ambassador of Peru to the United States, an agreement providing for the detail of officers and enlisted men of the United States Army as an advisory mission to serve in Peru. The agreement, which replaces an almost identical agreement in force since July 10, 1944, is to continue in force for 4 years from the date of signature, and may be extended beyond that period at the request of the Government of Peru.

The agreement is similar to numerous other agreements in force between the United States and certain other American Republics providing for the detail of officers and enlisted men of the United States Army, Navy, Air Force, or Marine Corps to advise the armed forces of those countries.

¹ BULLETIN of Dec. 12, 1948, p. 744.

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the provisions of the agreement pertain to the duties, rank, and precedence of the personnel of the mission, the travel accommodations to be provided for the members of the mission and their families, and other related matters.

Boyd-Roosevelt Highway From Colón to Panama City Completed

[Released to the Press June 24]

The Department of State announced on June 24 that the United States Government had completed the construction, at its expense, of a first-class highway in Panama from Colón to Panama City. The Boyd-Roosevelt Highway, about 50 miles in length, crosses the Isthmus from the Caribbean Sea to the Pacific Ocean. It is located almost entirely within the Republic of Panama, and ties in with existing transportation facilities in the Canal Zone. The highway was opened to traffic in April 1943 and, except for a stretch of approximately 1000 feet, was completely paved by 1944. The paving of this short stretch of the highway near Colon on June 13, 1949, was the last step necessary to complete the project. This stretch was previously left unfinished, pending a recent decision of the Panamanian Government that it did not now wish to construct an overpass at the intersection with Randolph Road. Inasmuch as this is the last of the construction called for by the pertinent agreements between Panama and the United States, and as the obligations of the United States to perform post construction operations pending the stabilization of the highway have been duly discharged, the United States Embassy in Panama has accordingly notified the Government of the Republic of Panama that further responsibility of the United States Government for performance of work under such agreements will terminate on June 30, 1949.

The Boyd-Roosevelt (Trans-Isthmian) Highway was constructed in three sections. The first comprised that part between its junction with Fort Randolph Road near Colón on the Atlantic side to the Canal Zone boundary near Cativa, which was a commitment under the original Trans-Isthmian Highway Convention of March 2, 1936. The second was the adjoining sector which extended to the boundary of the Madden Dam area, and was carried out by the United States Government pursuant to an exchange of notes dated August 31 and September 6, 1940. The third and last sector extended from a point near the termina-

tion of the second section to Panama City, which was an obligation undertaken under Article V of the General Relations Agreement effected by an exchange of notes dated May 18, 1942. The total cost of construction was approximately 9,785,000 dollars.

The standards to which Trans-Isthmian Highway was finally constructed are substantially better than those stipulated in the original highway convention of March 2, 1936 in that the road constructed is 24 feet wide with maximum grades of five percent while the convention called for a highway only 18 feet in width with eight percent maximum grades. The highway was originally intended to accommodate Panamanian commercial and normal Canal Zone requirements, but by 1940 it became evident that the higher standards would be more adequate to handle increasing military needs on the Isthmus of Panama.

American-Turkish Association Furthers Cultural Relations

Statement by Assistant Secretary Allen¹

The interchange of cultural relations and the increase in knowledge of one nation about another are essential elements in the establishment of peace and security in the world. To this end private citizens and private organizations in America are making a fundamental contribution. Today, you who are founding the American-Turkish Association are forging a further link in the chain of cultural contacts between the United States and other nations. Our links with Turkey include the worthy traditions established by American educational and medical institutions in Turkey for more than a century, a growing appreciation in the United States for Turkish art, literature, and culture, and recognition of the common bonds of interest between peoples striving to safeguard human rights and liberties.

Your association will provide a meeting ground for Americans of widely varied interests but with a common bond of friendship for Turkey and a common desire to promote better understanding of Turkey in the United States. On the occasion of the founding of this Association, I take special pleasure in extending my very best wishes and sincere hopes for the success of your undertaking.

¹ Made on the occasion of the founding of the American-Turkish Association in New York on June 7, 1949, and released to the press on the same date. Mr. Allen is Assistant Secretary for Public Affairs.

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Contributors

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